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# Katimayigalaat mungiyut Maligaliuligiyyinik

## Aipaanit (2<sup>nd</sup>) Katimayut Talimaanit (5<sup>th</sup>) Maligakhiukvik Nunavumi

## Standing Committee on Legislation

## 2<sup>nd</sup> Session of the 5<sup>th</sup> Legislative Assembly of Nunavut

## Comité permanent sur la législation

**2<sup>e</sup> session de la 5<sup>e</sup> Assemblée législative du Nunavut**



September 11, 2019

Hon. Joe Savikataaq, Premier of Nunavut  
Government of Nunavut  
Iqaluit, NU X0A 0H0

Hon. John Main, Chairperson, Standing Committee on Legislation  
Government of Nunavut  
Iqaluit, NU X0A 0H0

Hon. David Joanase, Minister of Education  
Government of Nunavut  
Iqaluit, NU X0A 0H0

Members of the Nunavut Legislative Assembly  
Iqaluit, NU X0A 0H0

Dear Colleagues,

**re: Bill 25 and a new *Draft Nunavut Inuit Education Fundamental Reform Act***

I am writing on behalf of Nunavut Tunngavik Inc to provide a response to the Standing Committee on Legislation's invitation to provide a submission on Bill 25. This response is submitted following engagement with the Qikiqtani Inuit Association, Kivalliq Inuit Association and Kitikmeot Inuit Association (the Inuit Organizations), and should be understood as our joint response to the Standing Committee on Legislation's invitation to provide a submission on Bill 25. Other considerations may be brought forward in future engagements on Bill 25.

On April 20, 2017, the Inuit Organizations wrote to then-Premier Peter Taptuna and the Standing Committee to urge that Bill 37 be withdrawn and fundamentally rewritten, in partnership with the Inuit Organizations, in accordance with Article 32 of the *Nunavut Agreement*. I attach a copy of that letter.

Bill 37 was withdrawn, but it was not rewritten. The Inuit Organizations were not invited to work in partnership with the GN in accordance with Article 32 on a fundamental rewrite. Instead, two years later, the Government has tabled Bill 25. Except for minor changes, Bill 25 is identical to Bill 37.

There is an Inuit education crisis in Nunavut. The public rightly expects more than the same band-aide solutions put forward in Bill 37. We urge the Government to withdraw Bill 25, and, failing that, the Standing Committee to either withhold further consideration of its contents or to confine its report to underscoring its inadequacy. Our analysis of the Bill's deficiencies remains the same as in April 2017, and we encourage you all to review the attached letter closely.

We also attach, for your consideration, the draft of a new bill that NTI has developed: the *Nunavut Inuit Education Fundamental Reform Act (NIEFRA)*. We believe the draft *NIEFRA* contains all of the necessary elements to address the crisis in Inuit education in Nunavut. Among other things, the *NIEFRA* provides solutions in three important areas: governance, language of instruction (LOI) and inclusive education.

## Governance

As you know, the Legislative Assembly delegated the Special Committee to Review the Education Act in 2014. In November 2015, the Special Committee delivered its Final Report, with 23 recommendations to improve the education system in Nunavut ("the Special Committee's Recommendations"). Many of the Special Committee's Recommendations included references to "clarifying roles and responsibilities."

In January 2016, the Department of Education provided its responses to the Special Committee's Recommendations and thereafter unilaterally developed its Policy Intentions Document to consult with Nunavummiut on its proposals for amendments to the Education Act, without being further accountable to the Special Committee's Recommendations. The Department's proposed amendments resulted in Bill 37, which was ultimately withdrawn in 2017. Notwithstanding this clear message and the need to go back to the Standing Committee's Recommendations, the Department has persisted in the same approach with Bill 25, again without regard to the Special Committee's recommendations, in particular, those related to "clarifying roles and responsibilities."

It is our hope that you review the draft *Nunavut Inuit Education Fundamental Reform Act* as NTI's proposal for an alternative solution to improving the education system, **in response to the Special Committee's Recommendations.**

In that regard, what is rarely discussed or analyzed is the Minister's reluctance to establish standards, and clear and transparent directives. This contributes directly to the lack of clarity in the roles of the Minister, District Education Authorities (DEAs), the Coalition of Nunavut District Education Authorities, educators, students and parents, resulting in confusion and ultimately an ineffective education system.

Much of the focus of Bill 37 -- and now Bill 25 -- is on a one-sided emphasis on DEAs' lack of capacity. Consequently, both these bills propose to reduce DEA authorities and allow the Minister to take over and deliver a standardized education system. What this "solution" fails to recognize is that the education system is not failing because DEAs lack capacity to deliver education. It is failing, among other reasons, because: (i) DEAs are not adequately funded and trained to fulfill what are their proper powers and duties, and (ii) the Minister and Department are not being held to the same standard of accountability as are the DEAs. For example, the Department has not delivered on its authority in the important areas of curriculum and Inuktitut Language of Instruction: the Department failed to provide Inuktitut Language of Instruction, yet it proposes that it be allowed to try again -- until 2039 -- without much by way of accountability. Yet it is proposed that DEAs budgets be reduced and their authorities removed.

NTI maintains that centralizing more authority in a Department that has failed to deliver over the past 20 years is not the solution. NTI's proposal is for an alternative solution: that the DEAs are properly funded, retain their authorities and be given equal weight as the Minister to make directions to Regional School Operations, Curriculum and School Services and Inclusive Education Division when exercising their authorities, and that the Minister establishes **clear standards and issues clear directives** to assist the DEAs to effectively deliver education.

## Language of Instruction

Bill 25's stunning approach to Inuktitut Language of Instruction in Nunavut schools is to remove Inuktitut Language of Instruction timeline requirements all together, and instead insert that an Inuktitut Language Arts program or course be delivered in all grades by 2039. Rather than reducing Inuktitut to a language arts program (which will not make anyone fluent in Inuktitut), NTI believes that a realistic timetable for delivery of effective Inuktitut Language of Instruction should be developed through the following approach:

1. completion of an Article 23-compliant Department of Education Inuit Employment Plan (EDU IEP), with detailed timelines and targets for Inuit educator training, which will include training to teach in Inuktitut and development of Inuktitut resources; and
2. timelines for Inuktitut LOI at all grade levels and in all schools, based on the EDU IEP timelines for Inuit educator training and Inuktitut resource development.

We believe that this approach is sensible, realistic and does not sacrifice Inuktitut LOI, as does Bill 25. It is embedded in the Draft NIEFRA.

In addition, with the above approach to governance, DEAs will also have the confidence to promote Inuktitut Language of Instruction and curriculum, and ensure progress on the implementation of Inuktitut Language of Instruction and curriculum reflective of Inuit culture and language.

### **Inclusive Education**

The Department needs to recognize that, although statistics are not readily available, special needs students likely make up a significant majority of Nunavut students. For that reason alone, more attention needs to be paid to delivering them an education equivalent to other students.

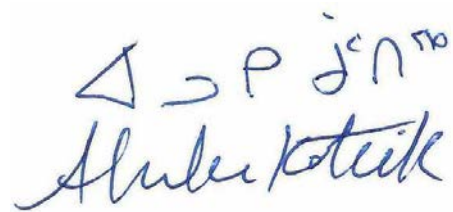
The Draft NIEFRA contains the necessary elements to accomplish this, in a nutshell: sufficient means for diagnosis of special needs within Nunavut, adequate supports and adjustments, educator training, student assessments and record-keeping.

In closing, we urge the Government to review and table the attached *NIEFRA* bill forthwith. We are willing, and keen, to work in partnership with the Government and Legislative Assembly to refine the draft bill as may be needed.

Alternatively, if the Government chooses not to respond positively to the draft *NIEFRA*, we urge other Members of the Legislative Assembly to join together to bring about the tabling and review of the draft NIEFRA as a private members' bill. We would be happy to work in partnership with any member or group of members who wish to take this route and are interested in discussing it further.

We look forward to hearing from you.

Sincerely,



Aluki Kotierk, President, NTI

cc: Jedidah Merkosak, Chairperson, Coalition of Nunavut District Education Authorities  
Pauloosie (PJ) Akeegok, President, Qikiqtani Inuit Association  
David Ningeongan, President, Kivalliq Inuit Association  
Stanley Anablak, President, Kitikmeot Inuit Association

Attachments: April 20, 2017 letter  
*Draft Nunavut Inuit Education Fundamental Reform Act*



BILL \_\_

**THE NUNAVUT INUIT EDUCATION FUNDAMENTAL REFORM ACT**

Recognizing that Inuit have the right to self-determination and the right to self-government in matters relating to education;

Recalling, as stated in the *Education Act*, the establishment of Nunavut in 1999 as a result of Article 4 of the *Nunavut Agreement*, and reaffirming the remedial objectives, obligations and guidance expressed by the *Nunavut Agreement*, particularly

- (a) the stated objectives and positive obligations of government concerning Inuit self-reliance, Inuit cultural and social well-being and Inuit participation in the governance and economic opportunities of their homeland, including participation in the public service to a representative level;
- (b) the obligation to involve Inuit and to reflect Inuit goals and objectives when developing and delivering educational policies, programs, services and curriculum; and
- (c) the mandate to implement and fulfil the objectives of the *Nunavut Agreement* in a timely, collaborative and accountable manner, consistent with its terms, conditions, spirit and intent;

Agreeing that culturally appropriate Inuktitut Language education is at the heart of Inuit self-determination and self-government aspirations, reflected in Articles 4, 23 and 32 of the *Nunavut Agreement*;

Recognizing the aspirations of Inuit to have an Inuktitut-speaking government and territory as reflected in the Nunavut Agreement to create the Nunavut territory and government, in the *Official Languages Act*, and in the *Inuit Language Protection Act*;

Observing that Government has an obligation under Article 32 of the *Nunavut Agreement* to design and deliver programs and services that reflect the goals and objectives of Inuit, and that Nunavut and Canada are the government parties obliged to implement and give effect to the rights of Inuit;

The Commissioner, by and with the advice and consent of the Legislative Assembly, enacts as follows:

INTERPRETATION

**Purposes**

1. The purposes of this Act are
  - (a) to ensure that Inuit control the education of their children, consistent with their Indigenous, constitutional and human rights;

- (b) to ensure that Inuit parents are enabled to exercise the right to Inuktitut Language of Instruction education for their children, equal to standards in southern Canada and rooted in Inuit Qaujimajatuqangit;
- (c) to ensure that Inuit children receive an education allowing them to graduate from high school fully bilingual in Inuktitut and English (or French), by ensuring that Inuktitut is the primary Language of Instruction from early childhood to Kindergarten through Grade 12;
- (d) to achieve the most ambitious targets realizable for the delivery of Inuktitut as the primary Language of Instruction from early childhood to Kindergarten through Grade 12 in Nunavut schools;
- (e) to achieve an effective and fully-implemented Department of Education Inuit Employment Plan to increase the level of Inuit educators and officials to a representative level, and to increase the capacity of Inuit educators to deliver Inuktitut Language of Instruction in all subjects and at all grade levels;
- (f) to achieve effective local decision-making over education by District Education Authorities, represented by the Coalition of Nunavut District Education Authorities, with authority equivalent to school boards in other parts of Canada, and able to support parents and make important decisions on education;
- (g) to clarify the roles and responsibilities of District Education Authorities, the Coalition of Nunavut District Education Authorities and the Department of Education;
- (h) to require the establishment of standards to provide direction to District Education Authorities and the Coalition of Nunavut District Education Authorities on the delivery of education;
- (i) to enable District Education Authorities and the Coalition of Nunavut District Education Authorities to direct the development and use of Inuktitut curriculum, resources and materials; and
- (j) to ensure that Nunavut children with special needs are able to exercise their right to an education equivalent to other children, with proper diagnosis of special needs within Nunavut, provision of necessary adjustments and supports, and their progress measured and made available to parents, teachers and educational professionals.

## **Definitions**

2. In this Act, a term or phrase defined in the Education Act and used in the same context shall have the meaning set forth in the Education Act.

3. In this Act,

“curriculum division” means the Department of Education division or other entity responsible for the development of curriculum in Nunavut schools;

“Department” means the Department of Education;

“inclusive education” means the provision of diagnostic services, adjustments and supports to special needs students;

“Inclusive Education Division” means the division to be established pursuant to subsection 19(2);

“Inuit Employment Plan” means an Inuit Employment Plan as defined in Article 23 of the *Nunavut Agreement*;

“Language of Instruction” means the language used in the teaching of courses and subject matter;

“May 2015 Settlement Agreement” means the Agreement entered into on May 4, 2015 among Her Majesty the Queen in Right of Canada, the Government of Nunavut, and the Inuit of Nunavut as represented by Nunavut Tunngavik Inc., entitled “*Moving Forward in Nunavut: An Agreement Relating to Settlement of Litigation and Certain Implementation Matters*”;

“Minister” means the Minister of Education;

“*Nunavut Agreement*” means the 1993 Agreement between Her Majesty the Queen in Right of Canada and the Inuit of the Nunavut Settlement Area;

“Pre-employment Training Plan” means a pre-employment training plan as described in Part 5 of Article 23 of the *Nunavut Agreement*; and

“Regional School Operations” means the three Regional School Operations established by the Government of Nunavut within the Department of Education in each of the Qikiqtani, Kivalliq and Kitikmeot regions.

## **Rights of Inuit**

4. This Act is to be construed as upholding the rights of Inuit recognized and affirmed by section 35 of the *Constitution Act, 1982*, and not as abrogating or derogating from them.

5. The Government of Nunavut recognizes that the rights of Inuit recognized and affirmed by section 35 of the *Constitution Act, 1982*, and affirmed in the *United Nations Declaration on the Rights of Indigenous Peoples*, include the right to establish and control their educational systems and institutions providing education in their own language, in a manner appropriate to their cultural methods of teaching and learning.

6. The combined rights, powers and authorities of the Coalition of Nunavut District Education Authorities and Nunavut District Authorities as described in this Act shall be equal to or greater than those of the Commission scolaire francophone under the *Education Act*.

## **Inconsistency or Conflict**

7. In the event of any inconsistency or conflict between this Act and a provision of the *Education Act*, this Act prevails to the extent of the inconsistency or conflict.

## FUNDAMENTAL PRINCIPLES

### **Article 32: Inuit Participation**

8. The Minister shall ensure that Inuit goals and objectives are reflected in education policy, programs and services in accordance with subsection 32.2.1(b) of the *Nunavut Agreement*.

9. In pursuit of fulfilment of Article 32 of the *Nunavut Agreement* and section 121 of the *Education Act*, the Minister shall work with Nunavut Tunngavik Inc. on a partnership basis, and shall invite the participation of other Inuit persons and organizations as appropriate, to fulfil the purposes and specific obligations of this Act.

### **Inuit Qaujimajatuqangit**

10. (1) Inuit Qaujimajatuqangit, including Inuktitut and Inuit cultural teachings, shall be embedded into the curriculum, materials and resources used by Nunavut schools in early childhood education and in each grade from Kindergarten through Grade 12.

(2) The Minister shall work in partnership with Nunavut Tunngavik Inc., and closely with District Education Authorities and the Coalition of Nunavut District Education Authorities to ensure that subsection (1) is fully implemented.

## GOVERNANCE

### **Coalition of Nunavut District Education Authorities**

11. (1) The Coalition of Nunavut District Education Authorities shall represent the education districts.

(2) Every education district shall be a member of the Coalition of Nunavut District Education Authorities.

12. (1) The Coalition of Nunavut District Education Authorities has the powers and duties conferred on it by the *Societies Act*, and by this Act, the *Education Act*, and the regulations.

(2) The Minister shall work in partnership with Nunavut Tunngavik Inc. and the Coalition of Nunavut District Education Authorities to propose amendments to the *Education Act* and regulations to confer additional powers and duties that enable the Coalition of Nunavut District Education Authorities to provide adequate support and guidance to District Education Authorities to deliver education in accordance with the purposes of this Act.

13. The Minister shall ensure that the Coalition of Nunavut District Education Authorities has the capacity to exercise its powers and duties under subsection (2), and shall provide the

Coalition of Nunavut District Education Authorities with all necessary training and support required for the carrying out of its powers and duties.

### **District Education Authorities**

14. District Education Authorities shall have the powers and duties conferred on it by this Act, the *Education Act* and the regulations.

15. (1) The Minister shall establish standards to assist District Education Authorities in the performance of their powers and duties, and shall provide District Education Authorities with all necessary training and support required for the carrying out of their powers and duties.

(2) The Minister shall ensure the provision to District Education Authorities of the training and support required to enhance their capacity over time to take on increasing powers and duties, including, without limitation, in the following areas:

- (a) the hiring and supervising of superintendents, principals, teachers and other educators;
- (b) the education program;
- (c) curriculum;
- (d) inclusive education;
- (e) promotion decisions;
- (f) student assessment; and
- (g) student achievement outcomes.

(3) The Minister shall enhance the District Education Authorities' powers and duties over time through regulations, commensurate with their increased capacity in accordance with subsection (2).

(4) Regulations made under subsection (3) shall fully integrate District Education Authorities' powers and duties with their existing authorities, and with the organizational structure of the Department of Education, Regional School Operations, superintendents of Regional School Operations, the Inclusive Education Division, and Department of Education divisions or other entities with responsibility for curriculum, educator training and orientation.

16. The Minister shall work in partnership with Nunavut Tunngavik Inc., and closely with District Education Authorities and the Coalition of Nunavut District Education Authorities, to develop the regulations and standards under sections 14 and 15 and to ensure that those sections are fully implemented.

### **Local Control of Education**

17. (1) Section 149 of the *Education Act* on Structured Dialogues is repealed.

(2) The Minister shall work in partnership with Nunavut Tunngavik Inc., the Coalition of Nunavut District Education Authorities and District Education Authorities to propose

amendments to the *Education Act* to replace section 149 of the *Education Act* with provisions that:

- (a) ensure accountability and alignment of authorities among the Minister of Education, the Coalition of Nunavut District Education Authorities and District Education Authorities;
- (b) contain an itemized list of shared powers and duties among the Minister of Education, the Coalition of Nunavut District Education Authorities and District Education Authorities, and clear connections between the exercise of powers and duties of each and the accountability and reporting requirements of each; and
- (c) reflect equality of status among the Minister, the Coalition of Nunavut District Education Authorities, and District Education Authorities in the carrying out of their powers and duties in relation to providing direction and supervision to Regional School Operations.

18. District Education Authorities and the Coalition of Nunavut District Education Authorities shall direct and supervise Regional School Operations, superintendents of Regional School Operations and the Inclusive Education Division in relation to all their powers and duties, including, without limitation, those related to:

- (a) day-to-day operation of schools;
- (b) Inuktitut Language of Instruction;
- (c) the language qualifications, hiring and supervision of superintendents, principals, teachers and other educators;
- (d) implementation of registration, attendance, Inuuqatigiitsiarniq and discipline policies;
- (e) implementation of instructional hours and school calendars;
- (f) promotion decisions, student assessments and student achievement outcomes;
- (g) delivery of the educational program, including inclusive education; and
- (h) any other direction necessary to allow effective delivery of education.

## **Curriculum Development**

19. (1) District Education Authorities and the Coalition of Nunavut District Education Authorities shall direct Department of Education divisions or other entities with responsibility for curriculum on:

- (a) Inuktitut Language of Instruction and Inuit cultural content in the curriculum;
- (b) curriculum standards that take into account Inuit Language dialects, phonology and morphology;
- (c) the development and use of Inuktitut language and Inuit cultural resources, materials, teaching guides and tools;
- (d) teacher in-service sessions on Inuktitut language and Inuit cultural curriculum, resources, materials, teaching guides and tools for each community and school; and
- (e) annual teacher orientation sessions on Inuktitut language and Inuit cultural curriculum, resources, materials, teaching guides and tools.

(2) The Minister shall collaborate with District Education Authorities and the Coalition of Nunavut District Education Authorities to ensure that Inuktitut Language of Instruction and Inuit cultural content in the curriculum, resources, materials, teaching guides and tools, is developed with the assistance of Inuit educators, elders and District Education Authorities, and delivered in Nunavut schools in all grades.

## LANGUAGE OF INSTRUCTION

### **Inuktitut Language of Instruction**

20. The Minister shall work in partnership with Nunavut Tunngavik Inc. to make Inuktitut the main Language of Instruction in early childhood programs and Kindergarten through Grade 12, in all classes and subjects, in a practical and ambitious timeframe, through the process described in sections 20 through 24, to ensure the graduation of students proficient in both Inuktitut and one or more of English/French.

## INUIT EMPLOYMENT PLAN

### **Department of Education Inuit Employment Plan**

21. (1) The Minister shall, on a priority basis, in cooperation with Nunavut Tunngavik Inc., develop and implement a Department of Education Inuit Employment Plan and Pre-employment Training Plan that:

- (a) is sufficient to meet and maintain, on a practical and ambitious timetable, the objective of representative Inuit employment, and the short and medium term goals, for all occupational levels and groupings within the Department of Education; and
- (b) is based, in part, on a determination of the number of Inuktitut-speaking educators required for the provision of Inuktitut Language of Instruction from Kindergarten through Grade 12 on a practical and ambitious timetable.

(2) Training included in the Plans developed under subsection (1) shall include Inuktitut language training sufficient to increase the numbers of Inuktitut-speaking educators in Nunavut schools to a representative level on a practical and ambitious timetable.

(3) The Minister shall include in the Plans developed under subsection (1) all the elements identified in paragraphs 25(b) through (e) of the May 2015 Settlement Agreement and sections 23.4.1 and 23.4.2 and Part 5 of the Nunavut Agreement, including all the measures identified in subsections 23.4.2(d)(i)-(x), and any others required to meet and maintain the overall objective of representative Inuit employment, and the associated short and medium term goals of the Department of Education Inuit Employment Plan.

22. Without limiting implementation responsibilities under this Act, the Minister shall seek funding from available sources for the training initiatives, and otherwise facilitate the

implementation of the training initiatives and other elements of the Inuit Employment Plan on an expedited basis.

23. The Minister shall, in partnership with Nunavut Tunngavik Inc., develop and implement a new timetable for phasing-in Inuktitut Language of Instruction from Kindergarten to Grade 12, based on the short and medium term goals for employment of Inuktitut-speaking educators and for achievement of the objective of representative Inuit employment in the Department of Education Inuit Employment Plan.

24. The Minister shall, in partnership with Nunavut Tunngavik Inc., develop proposed amendments to the Language of Instruction regulations based on the timetable developed under section 22.

25. The Minister shall, in partnership with Nunavut Tunngavik Inc., develop proposed amendments to the Educator Certification Regulations based on existing information and the training initiatives described in this section.

## INCLUSIVE EDUCATION

### **Inclusive Education**

26. (1) The Minister shall undertake all effective measures, including amendments to the *Education Act*, regulations and the establishment of standards and directives, to ensure that special needs students have access to an education equivalent to other students, including, without limitation:

- (a) access to specialists within Nunavut for diagnosis of physical, mental and emotional challenges;
- (b) the provision of necessary adjustments and supports within Nunavut;
- (c) implementation of individual student support plans in accordance with the *Education Act*, including monitoring of progress and plans' effectiveness in ensuring that adequate support is provided at the rate required;
- (d) an electronic data management system for collecting and maintaining data on student needs, services provided and progress; and
- (e) mandatory training on differentiated instruction and related ongoing assessment for all Nunavut teachers and student support assistants.

(2) The measures established under subsection (1) shall also include, without limitation:

- (a) a clear and practical inclusive education directive that encompasses all special needs students and provides clear instructions to District Education Authorities, superintendents, principals, teachers and other educators on their respective roles and responsibilities on the delivery of inclusive education;
- (b) benchmarks for student assessments, student achievement outcomes and promotion decisions; and



(c) minimum standards for instructional hours, registration, attendance, Inuuqatigiitisiarniq and discipline policies and parental engagement.

(3) The Minister shall establish an Inclusive Education Division for the provision of inclusive education and to provide guidance and support to District Education Authorities on the provision of inclusive education including the matters referred to in subsections (2) and (3).

## MISCELLANEOUS

### **Regulations**

27. The Commissioner in Executive Council, with the participation of Nunavut Tunngavik Inc. in accordance with the requirements of Article 32 of the *Nunavut Agreement*, and after such other participation and consultation as it deems appropriate, may make regulations respecting any matter the Commissioner in Executive Council considers necessary to carry out the purposes and provisions of this Act.

### **Timing and Annual Report**

28. The Minister shall proceed with all measures under this Act on an expedited basis and shall provide an annual report to the Commissioner in Executive Council, summarizing the measures undertaken pursuant to this Act, including the Minister's manner of compliance with specific requirements to work with NTI and others, and with Article 32 of the *Nunavut Agreement* generally.

## COMMENCEMENT

29. This Act shall come into force on the first anniversary of its assent, or such earlier date as may be set by order.

## CONSEQUENTIAL AMENDMENTS

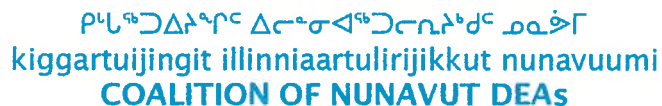
30. The Minister shall develop consequential amendments to the *Education Act* to ensure consistency of the *Education Act* with this Act, and the full implementation of this Act.



## **SUBMISSION TO BILL 25**

### **Amending the Education Act (2008) and the Inuit Language Protection Act**

**September 13, 2019**



Where there are changes in Bill 25, they appear to be throwing added responsibilities to the CNDEA without adequate resources. Bill 25 does not support or advance the fundamental goals of the CNDEA. We are looking for clear and simple structures and high quality, community-lead education for Nunavut students.

When the current Minister of Education first announced consultation plans in the late summer of 2018, the Department's legislative proposal was released. It was a disappointing reproduction of Bill 37.

The Minister reassured the CNDEA by letter on September 19, 2018 saying:

*I would like to reassure you that the proposed changes outlined in our draft legislative proposal are meant simply to kickstart discussions with our partners and stakeholders. We are not revisiting Bill 37, nor is this a complete overhaul of the 2008 Education Act.*

### **Bill 37 and Bill 25**

A simple comparison of the text of Bill 37 and Bill 25, side by side shows that Bill 25 is, in effect, precisely what the Minister assured us it would not be: it is an almost exact carbon copy of the original.

### **Simple and Effective Alternative – Draft “Part 13.1”**

As a key stakeholder in the Nunavut Education system our Executive, Board and staff have spent many hours and held many meetings analyzing the stream of documents issued by the Department of Education. We have never been invited to an open conversation about legislation that would address our member DEA concerns, goals and priorities, or the possibilities we see in the Nunavut schools and community. We would be honoured and delighted to have that open conversation with your Committee, even at this late hour in the legislative process.

Our key and respectful recommendations to the Committee can be summarized as:

1. reject Bill 25 – it in no way improves education for Nunavummiut;
2. take an Inuit rights-based approach to improving the *Education Act*;
3. implement education structures for all Nunavummiut based on the much broader and simpler structures outlined in Part 13 of the Education Act 2008 – the provisions which deal with the *Commission scolaire francophone de Nunavut*;
4. commit to the principle that Inuktitut and Inuit communities deserve the same respect and authority as francophone communities in Nunavut;
5. commit to the principles that Inuktitut ways of teaching deserve to be the foundation of our education system.

In this submission the CNDEA proposes an alternate draft Part 13.1 which will simply and dramatically accomplish exactly these recommendations.

We sincerely appreciate your reviewing the materials we have prepared, and again express that we would be grateful to appear before your Committee.

Sincerely,

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Jedidah Merkosak  
Chairperson

cc. Minister of Education  
President of Nunavut Tunngavik  
For Public Release

## TABLE OF CONTENT

	<b>TAB #</b>
Summary of Enclosures	1
Unifying the Education System	2
Section 1 CSFN	
Section 2 Comparison CSFN to DEAs	
Part 13.1 Proposed Education Act (2019)	3
Inuit Languages Rights in Education Act	
2018 Education Act Consultations	4
Summary prepared by the Coalition of DEAs	
Community Issues Raised by DEAs & Public	
April 21, 2017 Submission to Standing Committee	5
Submission on Bill 37 Bravo	6
Appendix A: Issues Raised by Communities in Consultations	
Appendix B: Motion from CNDEA AGM in November 7, 2018	
Appendix C: Motion from CNDEA AGM in October 2016	
Appendix D: Motion 1970 ITC (ITK) Founding Meeting Kugluktuk	
Appendix E: Truth and Reconciliation Report Vol. 2 – extract	
Appendix F: Approaching Inuit Education as Rights Based	
Balance of Responsibilities	7
Proposed Education System in Nunavut (Bill 25)	
2019 – K-12 Education System for Francophone Commission scolaire	

## Summary of Enclosures

Enclosed with this submission include a collection of submissions that have been made both to the Legislative Assembly and to the Department of Education. You will note in all submissions that the CNDEA has repeatedly rejected centralizing authorities within the Minister of Education's authorities.

1. 2018 Education Act Consultations – This report summarizes that the gap between the Department of Education priorities and the communities is quite wide. Out of the 974 responses, only 14% were in response to DOE priorities. The remaining 86% were community priorities.
2. Unifying the Education system – This document highlights the importance of taking an Inuit rights-based approach to improving the Education Act.
3. Submission on Bill 37 Bravo – This document was originally submitted to the Department of Education in December 2018, in a response to their call for submissions. This submission begins by expressing the concern of using Bill 37 as a foundation for “Ilinniarniliriniq Turaaqpalliajavut”, which was outlined to be used as proposing a direction that the Department of Education was heading in. We summarized that given that Bill 37 was rejected, that this direction will not be accepted by communities. The following main text responds to the issues presented by the Department of Education. In addition to the main text, appendices are provided that showcase the history and demands that Inuit have been placing on having education matters be decided by Inuit.
4. April 21, 2017 Letter submitted to Chair of the Standing Committee on concerns related to Bill 37 outlining the same responses we have to Bill 25, in terms of the priorities of the Coalition.
5. Balance of Responsibilities in Nunavut – Displays the differences in who holds authorities



## Unifying the Education System

Education in Nunavut is layered. Some languages and communities have many more rights than others. For Inuktitut and English language learners the governance system is complicated, centralised and comparatively underfunded, with minimal community or Inuit control. For Francophone language learners the system is simple, direct and community driven.

The CNDEA proposal “Part 13.1” emphasizes the need to dismantle the different tiers established for the francophone and the Inuktitut/English, and adopt simple and equal systems. Our approach is founded on confirming for Inuktitut/English students, parents and communities rights equal to those available to the francophones in law in Nunavut.

Part 13 of *Education Act (2008)* makes it clear that the current education system for Francophones is clear and specific, with an effective and elected School Commission. In addition to all the rights and responsibilities of a DEA, the francophone community has the authority to address social promotion decisions, define language of instruction, implement a committee system which responds to local language and dialect, and includes the responsibility to hire and supervise Principals and teachers and control curriculum. These are authorities DEAs and Nunavut Inuit have asked for many times.

In Nunavut, the law shows a huge inequality between language groups. This submission demonstrates that inequality by showing two sections:

- Section 1 describes the system for the *Commission scolaire francophone of Nunavut*



- Section 2 shows how complex the system is for DEAs in the Inuktitut/English system.

These differences highlight the need for Part 13.1,

as the CNDEA proposes. We propose inserting a new Part 13.1 after s 155 of the current Education Act in order to achieve equality among the different tiers that currently exist for language in Nunavut.

## **Section 1**

### **Commission scolaire francophone of Nunavut (CSFN)**

#### **EDUCATION ACT (2008)**

#### **GENERAL**

The Minister has a duty ensure there are enough public funds to ensure that there is French language instruction whenever there are enough children. If there is no French language instruction, the rights holders are entitled to petition the Minister.

#### **A. Role of the Commission scolaire francophone of Nunavut (CSFN)**

1. Responsible for provision of public education in French language
2. Has jurisdiction throughout Nunavut
3. Has all powers, duties and responsibilities of DEAs ..... PLUS many more.

#### **B. Additional Powers, Duties and Responsibilities of CSFN**

1. **Director General** - CSFN has CEO known as Director General.
  - 1.1 Director General Oversees - conduct of teachers, principals and vice-principals employed in schools and classrooms under the jurisdiction of the CSFN
  - 1.2 Conducts performance appraisal for principals and vice-principals
  - 1.3 CSFN employees are members of the public service
  - 1.4 Principals report to DG and CSFN not to Minister
2. **Directions from the Minister** - given to and through the CSFN:
  - 2.1 For the school team (promotions and inclusive education)
  - 2.2 For the principal
  - 2.3 For the conduct of business
  - 2.4 Principals and staff, in their role as teachers are sheltered from direct instruction by the Minister
  - 2.5 Where the Act says "Minister" in most cases this is to be read, for francophone education, as being the CSFN itself
3. **Promotion of Language and Culture**
  - 3.1 Teachers, principals and VPs in schools or classrooms are to promote fluency in French language and knowledge of francophone culture
  - 3.2 Curriculum is to enhance francophone language and culture

**Section 2**  
**EDUCATION ACT (2008)**  
**COMPARE CSFN to DEAs**

CSFN	DEA
<p>CONSTITUTIONAL RIGHTS</p> <p>Francophone language Rights protected under s. 23 of Constitution since 1983, under this act since 2008.</p>	<p>CONSTITUTIONAL RIGHTS</p> <p>Aboriginal Language Rights specifically affirmed by Canada as part of s.35 of the Constitution in 1982 (same as NLCA) as affirmed in <u>Indigenous Languages Act</u> (Canada – 2019)</p>
<p>LANGUAGE CHOICES FOR SCHOOLS</p> <p>s. 159. Minister must ensure French Language instruction and funding</p>	<p>LANGUAGE CHOICES FOR SCHOOLS</p> <p>s. 120(2) Minister is responsible for ensuring DEA and schools are provided with resources necessary to give effect to this Act.</p> <ol style="list-style-type: none"> <li>1. 23(1) Every student receives bilingual education</li> <li>2. 24(1) DEA (based on 3 choices in regulations) decides English or French to be used with Inuktitut</li> </ol>

CSFN	DEA
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<p>LANGUAGE OF INSTRUCTION</p> <p>s163. Commission is Responsible for education in French language:</p> <ol style="list-style-type: none"> <li>1. 168(8) principal under Commission forwards school program plan and amendments to Commission, not to Minister</li> <li>2. 168(2) Commission controls curriculum, reports to Minister</li> </ol> <p>CSFN</p>	<p>LANGUAGE OF INSTRUCTION</p> <p>s 8(1) Minister is Responsible for education program, DEA can modify it.</p> <ol style="list-style-type: none"> <li>1. Minister 8(2) Establishes curriculum for K to 12</li> <li>2. 137(1) DEA is responsible for provision of public education within its district other than those provided by CSNF.</li> <li>3. 11(2.1) Principal shall consult with DEA, when principal develops activities, programs and services for students in addition to the education program</li> <li>4. 7(1) DEA shall provide school program for KD to Grade 12</li> <li>5. 7(3) Ensures school program in founded on IQ</li> <li>6. 9(1) DEA may establish local programs as modifications curriculum , has to be approved by Minister</li> <li>7. 16 DEA monitor, evaluate and direct the delivery of school program</li> <li>8. 18(1) DEA may provide ECP and adult education</li> <li>9. DEA shall provide students with textbooks and other learning materials and provide library, audio-visual and other resources</li> <li>10. 19 principal develops operational plan, subject to direction of DEA and gives copy to Minister</li> <li>11. 20(8) school program plan may be amended by principal in consultation with DEA and copy of amendment to Minister and DEA</li> <li>12. 34(10) principal consults with DEA and school team on registration and attendance.</li> <li>13. 36. Minister working in cooperation with DEA shall establish programs to encourage regular and punctual attendance</li> <li>14. 37 DEA adopts registration and attendance policy. Copy to Minister.</li> <li>15. 37(7.1) Minister may require a DEA to make amendments.</li> </ol> <p>DEA</p>
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<p><b>SCHOOL TEAMS:</b></p> <p>168(6) student promotion decisions given to Commission, not to school teams.</p>	<p><b>SCHOOL TEAMS:</b></p> <ol style="list-style-type: none"> <li>15 in accordance with Directions of Minister, responsible for determining the promotion of students.</li> <li>90 (1) established by principal and directed by principal.</li> <li>34 (9) principal and school team shall promote regular and punctual school attendance and consults with DEA.</li> <li>35(1) principal ensures school team makes a plan that sets out actions or strategies to help students to re-integrated into school. And school team oversee's implementation</li> <li>43(5) on inclusive education school team receives request to review matter.</li> <li>47 decides with the agreement of the Minister, that specialized services or assessments are required.</li> <li>53 Commissioner in Executive Council may make regulations respecting the functions of school teams</li> <li>66(1) principal ensures school team makes a plan for every student who is suspended</li> </ol>
<p><b>SERVICE AGREEMENTS</b></p> <p>167(2) may have agreement with DEAs to supply services</p>	<p><b>SERVICE AGREEMENTS</b></p> <p>7(7) may have agreements with other DEAs to supply services</p>
<p><b>SCHOOL PLANS</b></p> <p>s.168(9) Commission gives copies of reports to Minister on school program plan</p>	<p><b>SCHOOL PLANS</b></p> <p>s.14 Principal reports twice a year to both DEA and Minister on effectiveness of school program plan</p>
<b>CSFN</b>	<b>DEA</b>

<p><b>DUTY TO PROMOTE FRENCH</b></p> <p>180. Teachers, principals and vice-principals shall promote fluency in French language and knowledge of francophone culture.</p>	<p><b>DUTY TO PROMOTE INUKTUT</b></p> <p>1(3) It is the responsibility of the Minister, the DEAs and the education staff to ensure that Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit are incorporated throughout, and fostered by, the public education system.</p> <p>8(4) The curriculum shall promote fluency in the Inuit Language and an understanding of Nunavut, including knowledge of Inuit culture and of the society, economy and environmental characteristics of Nunavut.</p> <p>25(2) In administering this Act, the Minister shall ensure that the education program supports the use, development and the revitalization of the Inuit Language.</p>
<p><b>INCLUSIVE EDUCATION</b></p> <p>s.170. Inclusive education - any reference to Minister in Education Act is reference to Commission instead.</p>	<p><b>INCLUSIVE EDUCATION</b></p> <p>42. DEAs oversee the implementation of this part</p> <p>44. Minister to give directions</p> <p>45. Principal may decide, subject to regulations and directions of Minister, to exclude student in regular instructional setting</p> <p>45(7) Principal shall refer matter to Minister if opinion that alternative placement is appropriate.</p> <p>46. DEA ensures school team is qualified on assessments</p> <p>47. School team decides with the agreement of the Minister, that specialized services are required.</p> <p>51. DEA on receiving request for review, appoints board from list supplied by Minister.</p>
<b>CSFN</b>	<b>DEA</b>

<p><b>CSFN EMPLOYEES</b></p> <p>176(5) Commission has a CEO known as "Director General (DG)" who has wide powers and authorities</p> <p>176(2) DG is member of Public Service <i>(for pay and pension purposes only)</i></p> <p>176(3) DG is responsible for administration of Part 13 of Act (Francophone schools):</p>	<p><b>DEA EMPLOYEES</b></p> <p>144.(1) DEA may employ individuals to assist in the administration of the DEA. And (2) to assist in delivery of the school program and programs provided in s17 or 18.</p> <p>144(3) an individual employed by DEA is not a member of the public service.</p>
<p><b>CONTROL OVER STAFF</b></p> <p>178(2) DG has oversight and controls the work of teachers, principals and vice-principals <i>(some limits)</i></p> <p>DG is equal to a Deputy Minister in responsibility for administration of Public Service Act for francophone schools</p>	<p><b>CONTROL OVER STAFF</b></p> <p>8(5) Teacher defined as employed by government of Nunavut. Minister establishes standards for teachers and teachers comply with them 8(7).</p> <p>114(6) Principal reports to DEA and Minister. minister may give directions to principals related to carrying out their duties under this section. (duties of principal) . May be dismissed by Minister. Vice-Principal as principal.</p> <p>115(1) Principal has duty to comply with both Minister and DEA (includes provision in case there is inconsistency in directions)</p> <p>118(1) Role of Minister in disciplinary action is primary</p> <p>92(2) Minister may dismiss teacher</p> <p>117(1) Minister shall ensure that the overall performance of a principal and vice principal is appraised.</p> <p>Public Service Act applies to teachers and Principals (some exceptions)</p>

## PART 13.1 – EDUCATION ACT (2019)

<p style="text-align: center;">THIS COLUMN</p> <p style="text-align: center;"><b>CURRENT FRANCOPHONE RIGHTS in EDUCATION in NUNAVUT</b></p> <p style="text-align: center;"><b>EXISTING</b> <b>PART 13 – EDUCATION ACT (2008)</b></p> <p style="text-align: center;"><b>FRENCH MINORITY LANGUAGE RIGHTS</b></p> <p><i>Currently in Force</i></p> <p><b>NOTE TO READER:</b> All structures and rights in the proposed PART 13.1 are based entirely on the corresponding Francophone structures and rights.</p>	<p style="text-align: center;"><b>THIS COLUMN</b></p> <p style="text-align: center;"><i>The Education Act, 2008 as am shall be amended by inserting the following Part 13.1 after the current s.155.</i></p> <p style="text-align: center;"><b>PROPOSED</b> <b>PART 13.1 – EDUCATION ACT (2019)</b></p> <p style="text-align: center;"><b>INUIT LANGUAGE RIGHTS IN EDUCATION ACT</b></p> <p><i>Coming into force</i></p> <p>This Part shall come into force on a day to be named by the Commissioner in Executive Council, or on September 1, 2020, whichever shall occur first.</p> <p>Section renumbering required.</p>
<p><i>Definition of "francophone rights holder"</i></p>	<p><i>Definition of "rights holder" See BN</i></p>
<p>156. (1) In this Part 13, "<u>francophone rights holder</u>" means an individual who has a right under section 23 of the Canadian Charter of Rights and Freedoms to have his or her children receive instruction in the French language.</p>	<p>A156. (1) In this Part 13.1, "rights holder" means an individual who has a right under section 23 of the Canadian Charter of Rights and Freedoms to have his or her children receive instruction in the <u>English language or has a right under section 35 of the Canada Act (1982) to Inuktitut language instruction for his or her child.</u></p>
<p><i>References to district education authorities</i></p>	<p><i>References to district education authorities - DEAs would continue their current authorities - Coalition will not take DEA authorities away from them</i></p>
<p>(2) A reference in this Part to a district education authority does not include a reference to the Commission scolaire francophone <u>or to the Nunavut Schools Coalition.</u></p>	<p>(2) A reference in this Part to a district education authority does not include a reference to the Coalition scolaire francophone <u>or to the Nunavut Schools Coalition.</u></p>

<i>Purpose</i>	<i>Purpose - see BN</i>
157. The purpose of this Part is to provide for instruction in the French language for the French linguistic minority population of Nunavut in accordance with section 23 of the Canadian Charter of Rights and Freedoms.	A157. The purpose of this Part is to provide for an <u>education for all students in Nunavut based on respect for culture, learning and the constitutionally protected rights to education in the Inuit language, as well as for the English speaking linguistic minority population of Nunavut</u> , in accordance with section 23 of the Canadian Charter of Rights and Freedoms.
<i>Rights prevail</i>	<i>Rights prevail -Coalition takes charge of when language implementation in effect</i>
158. The rights contained in this Part prevail to the extent of any conflict over any other Part of this Act or any provision of any other Act respecting the language of instruction in schools, including, without restricting the generality of the foregoing, any provision relating to the use of the Inuit Language as a language of instruction.	A158. The rights contained in this Part prevail to the extent of any conflict over any other Part of this Act or any provision of any other Act respecting the language of instruction in schools, including, without restricting the generality of the foregoing, any provision relating to the use of the Inuit Language as a language of instruction.
<i>Duty of Minister to ensure rights</i>	<i>Duty of Minister to ensure language rights</i>
159. The Minister shall ensure	A159. The Minister shall ensure
(a) that wherever in Nunavut the number of children of francophone rights holders is sufficient to warrant French-language instruction that such instruction is available out of public funds; and	(a) that wherever in Nunavut <u>children live for any extended period<sup>1</sup></u> there shall be <u>available to them Inuktitut and English-language instruction and</u> that such instruction is available out of public funds; and
(b) if the number of children of francophone rights holders so warrants, that the children receive the instruction required by paragraph (a) in French-language educational facilities that are provided out of public funds.	<del>(b) if the number of children of rights holders so warrants,</del> that those children receive the instruction required by paragraph (a) in educational facilities that are provided out of public funds, <u>delivered to standards set by the Minister.<sup>2</sup></u>

<sup>1</sup> Asserts right to education in camps and outposts



<i>Respect for Francophone Charter rights</i>	<i>Respect for Inuit rights - <b>limits Minister's ability to impose on Coalition</b></i>
159.1. In giving any directions to the Commission scolaire francophone, the Minister shall have regard to the Minister's duty under section 159 and the rights that <u>francophone</u> rights holders have under section 23 of the Canadian Charter of Rights and Freedoms	A159.1. In giving any directions to the <u>Nunavut Schools Coalition</u> , the Minister shall have regard to the Minister's duty under section 159 and the rights that rights holders have under section 23 of the Canadian Charter of Rights and Freedoms <u>and s. 35 of the Constitution of Canada.</u>
<i>Entitlement to instruction in French</i>	<i>Entitlement to instruction in <u>Inuktitut and English</u> - <b>this is a doubling up of rights - will these communities accept this combination?</b></i>
160. (1) An individual, who under section 2 is entitled to attend a school and who is the child of a francophone rights holder, is entitled to be taught in a school or classroom under the jurisdiction of the Commission scolaire francophone, as provided in this Part.	A160. (1) An individual, who under section <u>2</u> is entitled to attend a school, ^ is entitled to be taught in a school or classroom under the jurisdiction of the <u>Nunavut Schools Coalition</u> , as provided in this Part, <u>in the language of his or her rights.</u>
<i>Application</i>	<i>Application - <b>all schools except French fall under the Coalition for day to day operations</b></i>
(2) Subsection (1) only applies in areas of Nunavut where there is instruction in the French language provided out of public funds.	(2) Subsection (1) ^ applies <u>everywhere in Nunavut.</u>

<p style="text-align: center;"><b>This section IS required for FRENCH as francophone schooling is to be provided where numbers warrant</b></p>	<p style="text-align: center;"><b><i>This section NOT required for Inuktitut /English as schooling is to be provided everywhere in Nunavut per s. 159(a)</i></b></p>
<i>Petitions in respect of French-language instruction</i>	<i>Petitions in respect of French-language instruction</i>
161. (1) Francophone rights holders who live in an area of Nunavut where there is no instruction in the French language provided out of public funds may petition the Minister for instruction in the French language provided out of public funds under the jurisdiction of the Commission scolaire francophone,	161. (1) Rights holders who live in an area of Nunavut where there is no instruction in the French language provided out of public funds may petition the Minister for instruction in the French language provided out of public funds under the jurisdiction of the Nunavut Schools Coalition;
(a) in a French-language school under the jurisdiction of the Commission; or	(a) in a French-language school under the jurisdiction of the Coalition; or
(b) in classrooms in a school that is under the jurisdiction of a district education authority.	(b) in classrooms in a school that is under the jurisdiction of a district education authority.
<i>Same</i>	<i>Same</i>
(2) Francophone rights holders who live in an area of Nunavut where there is instruction in the French language in classrooms in a school that is under the jurisdiction of a district education authority may petition the Minister for instruction in the French language provided out of public funds in a French-language school under the jurisdiction of the Commission scolaire francophone.	(2) Rights holders who live in an area of Nunavut where there is instruction in the French language in classrooms in a school that is under the jurisdiction of a district education authority may petition the Minister for instruction in the French language provided out of public funds in a French-language school under the jurisdiction of the Nunavut Schools Coalition.
<i>Presentation of petition</i>	<i>Presentation of petition</i>
(3) A petition under subsection (1) or (2) may be presented directly to the Minister or to the Minister through the Commission scolaire francophone.	(3) A petition under subsection (1) or (2) may be presented directly to the Minister or to the Minister through the Nunavut Schools Coalition.
<i>Consultation</i>	<i>Consultation</i>
(4) If a petition under subsection (1) or (2) is presented through the Commission scolaire francophone, the Commission shall provide the Minister with its recommendations with respect to how to respond to the petition.	(4) If a petition under subsection (1) or (2) is presented through the Nunavut Schools Coalition, the Coalition shall provide the Minister with its recommendations with respect to how to respond to the petition.

<i>Same</i>		<i>Same</i>
(5) If a petition under subsection (1) or (2) is presented directly to the Minister, he or she shall seek the recommendations of the Commission scolaire francophone with respect to how to respond to the petition.		<del>(5) If a petition under subsection (1) or (2) is presented directly to the Minister, he or she shall seek the recommendations of the Nunavut Schools Coalition with respect to how to respond to the petition.</del>
<i>Decision</i>		<i>Decision</i>
(6) The Minister shall consider any recommendations of the Commission scolaire francophone and shall make his or her decision in accordance with his or her duty under section 159.		<del>(6) The Minister shall consider any recommendations of the Nunavut Schools Coalition and shall make his or her decision in accordance with his or her duty under section 159.</del>
<i>Decisions to no longer provide instruction in an area</i>		<i>Decisions to no longer provide instruction in an area</i>
162. (1) The Minister may decide that instruction in the French language no longer be provided out of public funds in an area if the number of children of francophone rights holders is no longer sufficient to warrant French-language instruction out of public funds.		<del>162. (1) The Minister may decide that instruction in the French language no longer be provided out of public funds in an area if the number of children of rights holders is no longer sufficient to warrant French-language instruction out of public funds.</del>
<i>Consultation</i>		<i>Consultation</i>
(2) The Minister shall seek the recommendations of the Commission scolaire francophone before making a decision under subsection (1).		<del>(2) The Minister shall seek the recommendations of the Nunavut Schools Coalition before making a decision under subsection (1).</del>
<i>Decision</i>		<i>Decision</i>
(3) The Minister shall consider any recommendations of the Commission scolaire francophone and shall make his or her decision in accordance with his or her duty under section 159.		<del>(3) The Minister shall consider any recommendations of the Nunavut Schools Coalition and shall make his or her decision in accordance with his or her duty under section 159.</del>
Governance		Governance

Role of the Commission scolaire francophone		Role of the <u>Nunavut Schools Coalition</u>
163. The Commission scolaire francophone is responsible for the provision of public education in the <u>Inuktitut and French</u> languages for the children of francophone rights holders in Nunavut.		A163. <u>The Nunavut Schools Coalition is responsible for the provision of public education in the Inuktitut and English languages for the children of rights holders in Nunavut.</u>
<i>Commission scolaire francophone du Nunavut</i>		<i>Nunavut Schools Coalition - replaces CNDEA</i>
164. (1) The education body called the Commission scolaire francophone du Nunavut, as it existed under the predecessor of this Act immediately before the coming into force of this section, is continued.		A164. (1) The <u>society</u> called the <u>Coalition of Nunavut District Education Authorities</u> , as it existed under the predecessor of this Act immediately before the coming into force of this section, is continued <u>as the Nunavut Schools Coalition.</u>
<i>Jurisdiction</i>		<i>Jurisdiction</i>
(2) The Commission scolaire francophone has jurisdiction throughout Nunavut.		(2) The <u>Nunavut Schools Coalition</u> has jurisdiction throughout Nunavut.
<i>Corporation</i>		<i>Corporation - continues as a legal entity</i>
(3) The Commission scolaire francophone is a corporation.		(3) The <u>Nunavut Schools Coalition</u> is a corporation.
<i>Composition</i>		<i>Composition</i>
165. (1) The Commission scolaire francophone shall be composed of five elected members or such larger number as may be provided in the regulations.		A165. (1) The <u>Nunavut Schools Coalition</u> shall be <u>governed by a Board</u> composed of five elected members or such larger number as may be provided by regulation.
<i>Chairperson and vice-chairperson</i>		<i>Chairperson and vice-chairperson</i>
(2) The Commission scolaire francophone shall have a chairperson and a vice-chairperson chosen by the members from among themselves.		(2) The Nunavut Schools Coalition shall have a chairperson and a vice-chairperson chosen by the members from among themselves.
<i>Payment</i>		<i>Payment</i>
(3) The Commission scolaire francophone shall pay remuneration and expenses to its members in accordance with the regulations.		(3) The Nunavut Schools Coalition shall pay remuneration and expenses to its members in accordance with the regulations.



<i>Election of members of Commission scolaire francophone</i>		<i>Election of members of Nunavut Schools Coalition - still chosen by DEAs</i>
166. (1) Subject to this section, the Local Authorities Elections Act applies to all matters respecting the election of the members of the Commission scolaire francophone.		A166. (1) The five members of the <u>Nunavut Schools Coalition</u> shall be elected from among the members of <u>District Education Authorities</u> , by <u>secret ballot</u> , at the <u>annual meeting of the Coalition</u> .
<i>Election of members</i>		<i>Election of members</i>
(2) The members of the Commission scolaire francophone shall be elected for three-year terms.		(2) The members of the Nunavut Schools Coalition Board shall be elected for three-year terms.
<i>Duration of term of office</i>		<i>Duration of term of office</i>
(3) The term of office of a member of the Commission scolaire francophone		(3) The term of office of a member of the <u>Nunavut Schools Coalition Board</u>
(a) commences at 12 noon on the first Monday of the month following the member's election or when the member is sworn in, whichever is later; and		(a) commences at 12 noon on the first Monday of the month following the member's election <u>by the Annual General Meeting</u> or when the member is sworn in, whichever is later; and
(b) ends at 12 noon on the first Monday of the month following the next election to fill the member's office.		(b) ends at 12 noon on the first Monday of the month following the next election to fill the member's office.
<i>Nominees' qualifications</i>		<i>Nominees' qualifications - no change</i>
(4) To be eligible to be nominated and stand as a candidate to be a member of the Commission scolaire francophone, an individual must be a francophone francophone rights holder and must be eligible to be nominated under the Local Authorities Elections Act.		(4) To be eligible to be nominated and stand as a candidate to be a member of the Nunavut Schools Coalition, an individual must be a rights holder and must be eligible to be nominated under the Local Authorities Elections Act.
<i>Voters' qualifications</i>		<i>Voters' qualifications - DEAs elect</i>
(5) To be eligible to vote in an election of members of the Commission scolaire francophone, an individual must be a francophone rights holder and must be eligible to vote under the Local Authorities Elections Act.		(5) To be eligible to vote in an election of members of the <u>Nunavut Schools Coalition</u> , an individual must be <u>Chair of a District Education Authority</u> , or in the event that the Chair is absent or otherwise <u>unable to act</u> , appointed by a regular motion in writing of the District

		<u>Education Authority to which they were elected.</u>
<i>Same</i>		<i>Same</i>
(6) An individual who votes in the election of members of the Commission scolaire francophone is not eligible to vote in the election of members of a district education authority.		(6) <u>Only one person shall be named to vote from any one District Education Authority.</u>
<i>Assistance to prepare voter's list</i>		<i>Geographic and Linguistic Representation - is this the correct distribution?</i>
(7) The Minister shall provide the Commission scolaire francophone with such information as he or she may reasonably provide in respect of francophone rights holders to assist the Commission in enumerating voters and in performing its other duties under the Local Authorities Elections Act with respect to the election of its members.		(7) <u>The Members of the Nunavut Schools Coalition Board shall include:</u> <ul style="list-style-type: none"> <li>a) <u>at least one member from the District Education Authority of Kugluktuk, Cambridge Bay, Taloyoak, Gjoa Haven or Kugaaruk;</u></li> <li>b) <u>at least one member from the District Education Authority of Repulse Bay, Coral Harbour, Baker Lake, Chesterfield Inuit, Rankin Inlet, Whale Cove or Arviat; and</u></li> <li>c) <u>at least one member from the District Education Authority of Arctic Bay, Clyde River, Grise Fiord, Pond Inlet, or Resolute Bay; and</u></li> <li>d) <u>at least one member from the District Education Authority of Apex, Cape Dorset, Hall Beach, Igloolik, Kimmirut, Pangnirtung, Qikiqtarjuaq and Sanikiluaq;</u></li> <li>e) <u>at least one member from the District Education Authority of Iqaluit;</u></li> </ul>
<i>Staggered terms</i>		<i>Staggered terms</i>
(8) The Commissioner in Executive Council, by regulation, shall provide that members of the Commission scolaire francophone are to be elected for		(8) The Commissioner in Executive Council, by regulation, <u>and on the advice of the Nunavut Schools Coalition,</u> shall provide for the membership and election

staggered terms of office.		<u>of members of the Nunavut Schools Coalition Board.</u>
<i>Same</i>		<i>Same</i>
(9) The regulations providing for staggered terms of office may provide <ul style="list-style-type: none"> <li>a) for terms of office that are different than the three-year term set out in subsection (2); and</li> <li>b) for such other transitional matters as are considered necessary or advisable for the implementation of staggered terms of office.</li> </ul>		(9) The <u>Board Membership and Election</u> regulations may also provide <ul style="list-style-type: none"> <li>a) for terms of office that are different than the three-year term set out in subsection (2);</li> <li>b) <u>for the appointment or election of additional Member of Members to represent all or any of the following agencies historically represented on Board of the Coalition of District Education Authorities, including:</u> <ul style="list-style-type: none"> <li>i) <u>Nunavut Tunngavik Inc</u></li> <li>ii) <u>Nunavut Ability Society</u></li> <li>iii) <u>Emeritus members</u></li> </ul> </li> <li>c) <u>may provide for such other matters as are considered necessary or advisable.</u></li> </ul>
Powers, Duties and Responsibilities		Powers, Duties and Responsibilities
<i>Powers, duties and responsibilities</i>		<i>Powers, duties and responsibilities - this section is NOT required as DEAs in each community will continue to have all existing powers and authorities.</i>
167. (1) Unless otherwise provided, the Commission scolaire francophone has all the responsibilities, powers and duties of a district education authority under this Act and the regulations.		<del>167. (1) Unless otherwise provided, the Nunavut Schools Coalition has all the responsibilities, powers and duties of a district education authority under this Act and the regulations, as well</del>
<i>Agreements with other educational institutions</i>		<i>Agreements with other educational institutions - remains with DEAs not needed by Coalition</i>
(2) The Commission scolaire francophone may enter into agreements with other educational institutions to provide education for grades, including kindergarten, that it is unable to offer.		<del>(2) The Nunavut Schools Coalition may enter into agreements with other educational institutions to provide education for grades, including kindergarten, that it is unable to offer.</del>
<i>Modifications re: Part 3, curriculum, texts and learning materials</i>		<i>Modifications re: Part 3, curriculum, texts and learning materials - this is</i>



		<i>IMPORTANT - Coalition takes over curriculum subject to Min approval.</i>
168. (1) For the purposes of the curriculum for education provided by the Commission scolaire francophone,		A168. (1) For the purposes of the curriculum for education provided by the Nunavut Schools Coalition,
(a) the references to the Minister in subsections 8(1) to (3) and in section 10 shall be deemed to be references to the Commission; and		(a) the references to the Minister in subsections <b>8(1) to (3)</b> and in section 10 shall be deemed to be references to the <u>Coalition</u> ; and
(b) the reference in subsection 8(4) to the Inuit Language shall be deemed to be a reference to the French language.		(b) the reference in subsection 8(4) to the Inuit Language shall be deemed to be a reference to the <u>Inuit and English</u> languages.
<i>Curriculum approval</i>		<i>Curriculum approval</i>
(2) The Commission scolaire francophone shall submit any curriculum that it establishes under section 8 to the Minister for approval.		(2) The <u>Nunavut Schools Coalition</u> shall submit any curriculum that it establishes under section 8 to the Minister for approval.
<i>Directions re: delivery of education program</i>		<i>Directions re: delivery of education program</i> <b>Dept works through Coalition</b>
(3) Directions under subsection 8(5) shall, in respect of the education staff under the jurisdiction of the Commission scolaire francophone, be given to the Commission and not directly to the education staff.		(3) Directions under subsection 8(5) shall, in respect of the education staff under the jurisdiction of the <u>Nunavut Schools Coalition</u> , be given to the Coalition and not directly to the education staff.
<i>Reports on effectiveness of school program</i>		<i>Reports on effectiveness of school program -</i> <b>Principals do not report to Minister</b>
(4) The principal of a school under the jurisdiction of the Commission scolaire francophone shall file the reports required by section 14 with the Director General and not with the Minister.		(4) The principal of a school under the jurisdiction of the <u>Nunavut Schools Coalition</u> shall file the reports required by section 14 with the Director General and not with the Minister.
<i>Copies to Minister</i>		<i>Copies to Minister</i>
(5) The Director General shall give copies of reports referred to in subsection (4) to the Minister.		(5) The Director General shall give copies of reports referred to in subsection (4) to the Minister.
<i>Promotion decisions</i>		<i>Promotion decisions -</i> <b>DEAs and Coalition control social promotions</b>



(6) Directions under section 15 shall, in respect of school teams under the jurisdiction of the Commission scolaire francophone, be given to the Commission and not directly to the school teams.		(6) Directions under section 15 shall, in respect of school teams under the jurisdiction of the <u>Nunavut Schools Coalition</u> , be given to the <u>Coalition</u> and not directly to the school teams.
<i>Early childhood programs</i>		<i>Early childhood programs</i>
(7) The references in subsection 17(1) to the Inuit Language and to Inuit culture shall be deemed to be references to the French language and to francophone culture respectively.		(7) The references in subsection 17(1) to the Inuit Language and to Inuit culture <u>are of the utmost importance and shall be funded from public resources.</u>
<i>School program plans</i>		<i>School program plans - come under Coalition control</i>
(8) A principal under the jurisdiction of the Commission scolaire francophone shall forward the following to the Director General and not to the Minister:		(8) A principal under the jurisdiction of the <u>Nunavut Schools Coalition</u> shall forward the following to the Director General and not to the Minister:
(a) the copy of the school program plan required by subsection 20(6);		(a) the copy of the school program plan required by subsection 20(6);
and		and
(b) the copy of any amended school program plan required by subsection 20(10).		(b) the copy of any amended school program plan required by subsection 20(10).
<i>Copies to Minister</i>		<i>Copies to Minister</i>
(9) The Director General shall give a copy of any school program plan referred to in paragraph (8)(a) or (b) to the Minister.		(9) The Director General shall give a copy of any school program plan referred to in paragraph (8)(a) or (b) to the Minister.
<i>Non-application of Part 4, language of instruction</i>		<i>Non-application of Part 4, language of instruction- This should remain - Part 4 DOES contain paper assurances that education will be "bilingual" -BUT it also limits the approaches that both principals and DEAs can take to implement Inuktitut education in their schools. Due to the restrictions contained in Part 4 (ie that DEAs must choose between language options the Dept puts in the regs) this is the better choice to open up Inuktitut education</i>

169. Part 4 does not apply to the education program provided by the Commission scolaire francophone.		169. Part 4 does not apply to the education program provided by the <u>Nunavut Schools Coalition</u> .
<i>Modifications re: Part 6, inclusive education</i>		<i>Modifications re: Part 6, inclusive education</i>
170. The references in subsection 45(7) and section 47 to the Minister shall be deemed to be references to the Director General with respect to students under the jurisdiction of the <i>Commission scolaire francophone</i> .		170. The references in subsection 45(7) and section 47 to the Minister shall be deemed to be references to the Director General with respect to students under the jurisdiction of the <u>Nunavut Schools Coalition</u> .
171. Deleted. 2 <sup>nd</sup> Legislative Assembly, September 11, 2008.		171. Deleted. 2 <sup>nd</sup> Legislative Assembly, September 11, 2008.
<i>Duty to inform</i>		<i>Duty to inform</i>
172. The Commission scolaire francophone shall keep the residents of Nunavut informed about the provision of public education under its jurisdiction.		172. The <u>Nunavut Schools Coalition</u> shall keep the residents of Nunavut informed about the provision of public education under its jurisdiction.
<i>Non-application of certain provisions in Part 12, administration</i>		<i>Non-application of certain provisions in Part 12, administration. These sections relate to the powers and responsibilities and conduct of business of DEAs and should be preserved. The increase of authority for the Coalition should not decrease capacity of DEAs.</i>
173. (1) Sections 127 and 128, subsections 130(1), (2) and (4), sections 131 and 132, subsections 137(1) and 138(3) and section 147 do not apply to the Commission scolaire francophone.		A173. (1) Sections 127 and 128, subsections 130(1), (2) and (4), sections 131 and 132, subsections 137(1) and 138(3) and section 147 apply to all District Education Authorities, but not do not apply to <u>the Nunavut Schools Coalition</u> or the Commission scolaire francophone <u>unless so provided elsewhere in this Act</u> .
<i>Same</i>		<i>Same - Principals in Coalition schools report to DEA and Coalition on IQ, not to Minister</i>
(2) Section 122.1 does not apply with respect to the principals and other members of the education staff employed in schools and classrooms under the jurisdiction of the Commission scolaire		(2) Section 122.1 does not apply with respect to the principals and other members of the education staff employed in schools and classrooms under the jurisdiction of the <u>Nunavut Schools</u>

francophone.		<u>Coalition.</u>
<i>Same</i>		<i>Same - Minister can direct the Coalition without consulting with DEAs</i>
(3) Subsection 124.1(3) does not apply with respect to a direction given only to the Commission scolaire francophone including, without limiting the generality of the foregoing, a direction under section 178 or 179.		(3) Subsection 124.1(3) does not apply with respect to a direction given only to the <u>Nunavut Schools Coalition</u> including, without limiting the generality of the foregoing, a direction under section 178 or 179.
<i>Plans under Part 14 relating to school equipment</i>		<i>Plans under Part 14 relating to school equipment</i>
173.1. The Director General, rather than the principal, shall provide the Minister with the plans required under subsection 183(8).		A173.1. The Director General, rather than the principal, shall provide the Minister with the plans required under subsection 183(8).
Advisory Committee		Advisory Committee
<i>Advisory committee</i>		<i>Advisory committee - THIS IS A BIG CHANGE - it uses the idea of advisory committees to respond to the desire for regional/local language preservation, materials and programs</i>
174. (1) The Commission scolaire francophone shall establish an advisory committee in each education district in which the Commission provides education in a school that is under the jurisdiction of a district education authority.		A174. (1) The Nunavut Schools Coalition shall establish a Regional Advisory Committee in each <u>region of Nunavut</u> which elects a Coalition Board Member as set out in s. A166(7).
<i>Function</i>		<i>Function - local and regional language - this introduces a new purpose to a committee existing under the Commission system.</i>
(2) The purposes of the advisory committee are to give advice to and liaise with the Commission scolaire francophone and the district education authority with respect to the students being taught by the Commission in a school that is under the jurisdiction of the district education authority.		(2) The purposes of the Regional Advisory Committees are to give advice to and liaise <u>with the Nunavut Schools Coalition</u> and district education authorities <u>in that region to ensure appropriate regional participation in the development of curriculum reflective of regional and local language standards,</u>



		<u>while also promoting Nunavut wide learning and communications.</u>
<i>Composition</i>		<i>Composition</i>
(3) The advisory committee shall be composed of such number of members as the Commission scolaire francophone may decide but the number shall not be less than three.		(3) A Regional Advisory Committee shall be composed of such number of members as the <u>Nunavut Schools Coalition</u> may decide but the number shall not be less than three.
<i>Eligibility</i>		<i>Eligibility -n/a OR optionally:</i>
(4) To be eligible to be a member of the advisory committee, an individual must be a francophone rights holder and must be a resident of the electoral district of the district education authority.		(4) To be eligible to be a member of a regional advisory committee, an individual must be a rights holder and must be a resident of the electoral district of a district education authority corresponding to a region electing a Coalition Board Member as set out in s. A166(7)
		<i>Eligibility -n/a OR optionally:</i>
<i>Chairperson and vice-chairperson</i>		<i>Chairperson and vice-chairperson</i>
(5) The advisory committee shall have a chairperson and a vice-chairperson chosen by the members from among themselves.		(5) The advisory committee shall have a chairperson and a vice-chairperson chosen by the members from among themselves.
<i>Voting members on the district education authority</i>		<i>Voting members on the district education authority n/a Coalition does not need a rep on DEAs but Coalition Board Members should connect to their regional committees</i>
(6) The Commission scolaire francophone shall, in consultation with the advisory committee, choose, from among the members of the advisory committee, at least one member and, if the regulations so provide, one or more additional members who will sit as voting members of the district education authority.		(6) <del>The Nunavut Schools Coalition shall, in consultation with the advisory committee, choose, from among the members of the advisory committee, at least one member and, if the regulations so provide, one or more additional members who will sit as voting members of the district education authority.</del> A Coalition Board Member elected pursuant to s. A166(7) above shall be an <i>ex officio</i> member of the Regional Advisory Committee for his or her region.

<i>Same</i>		<i>Same n/a</i>
(7) A member of a district education authority chosen under subsection (6) has the same rights and privileges as an elected member of the district education authority, including the right to the same remuneration and expenses as an elected member.		<del>(7) A member of a district education authority chosen under subsection (6) has the same rights and privileges as an elected member of the district education authority, including the right to the same remuneration and expenses as an elected member.</del>
Conduct of Affairs		Conduct of Affairs
175. Deleted. 2 <sup>nd</sup> Legislative Assembly, September 11, 2008.		175. Deleted. 2 <sup>nd</sup> Legislative Assembly, September 11, 2008.
<i>Director General</i>		<i>Director General -</i>
176. (1) The Commission scolaire francophone shall have a chief executive officer who shall be known as the Director General.		176. (1) The Nunavut Schools Coalition shall have a chief executive officer who shall be known as the Director General.
<i>Director General, member of public service</i>		<i>Director General, member of public service</i>
(2) The Director General is a member of the public service.		(2) The Director General is a member of the public service.
<i>Role of Commission scolaire francophone in employment of Director General</i>		<i>Role of Nunavut Schools Coalition in employment of Director General - DG is hired by and reports to Coalition. In effect a DM of Education.</i>
(3) Subject to such terms and conditions as the Minister responsible for the administration of this Act may direct, the powers, functions and duties of the Minister responsible for the administration of the Public Service Act and of a Deputy Minister or deputy head under subsection 3(1) and sections 4, 8 to 10, 12, 16, 17, 19 to 26, and 28 to 37 of the Public Service Act and the regulations made in relation to those provisions, as those powers, functions and duties relate to the employment of the Director General, shall be deemed to have been delegated to the Commission scolaire francophone.		(3) Subject to such terms and conditions as the Minister responsible for the administration of this Act may direct, the powers, functions and duties of the Minister responsible for the administration of the Public Service Act and of a Deputy Minister or deputy head under subsection 3(1) and sections 4, 8 to 10, 12, 16, 17, 19 to 26, and 28 to 37 of the Public Service Act and the regulations made in relation to those provisions, as those powers, functions and duties relate to the employment of the Director General, shall be deemed to have been delegated to the Nunavut Schools Coalition Board.

<i>Limitations</i>		<i>Limitations - DG can appeal to Min of Education if disciplined.</i>
(4) The delegation of powers, functions and duties under subsection (3) does not include the powers, functions and duties of the Minister under section 22 of the Public Service Act in relation to grievances and applying subsections 22(2) to (5) of that Act to the Director General, a reference to the Minister shall be deemed to be a reference to the Minister responsible for the administration of this Act.		(4) The delegation of powers, functions and duties under subsection (3) does not include the powers, functions and duties of the Minister under section 22 of the Public Service Act in relation to grievances and applying subsections 22(2) to (5) of that Act to the Director General, a reference to the Minister shall be deemed to be a reference to the Minister responsible for the administration of this Act.
<i>Oversight by Commission</i>		<i>Oversight by Coalition - DG works for Coalition and not Minister</i>
(5) The Commission scolaire francophone shall oversee and control the conduct of work of the Director General and section 5 of the Public Service Act does not apply with respect to the Director General.		(5) The Nunavut Schools Coalition, through its Chair, shall oversee and control the conduct of work of the Director General and section 5 of the Public Service Act does not apply with respect to the Director General.
<i>Powers and duties</i>		<i>Powers and duties</i>
(6) In addition to the powers and duties set out in this Act or the regulations, the Director General shall perform such duties and may exercise such powers as may be assigned to him or her by the Commission scolaire francophone. S.Nu. 2011,c.10,s.4(2); S.Nu. 2013,c.26,s.86(4).		(6) In addition to the powers and duties set out in this Act or the regulations, the Director General shall perform such duties and may exercise such powers as may be assigned to him or her by the Nunavut Schools Coalition or its Board.
<i>Directions of Commission</i>		<i>Directions of Coalition</i>
177. The Director General shall exercise his or her powers and carry out his or her functions and duties in accordance with any directions of the Commission scolaire francophone.		177. The Director General shall exercise his or her powers and carry out his or her functions and duties in accordance with any directions of the Nunavut Schools Coalition, its Board or Chair.
<i>Role of Director General in employment matters re: teachers, principals, vice-principals</i>		<i>Role of Director General in employment matters re: teachers, principals, vice-principals - Coalition, through DG and</i>



		<i>with participation of DEAs, hires and fires principals and teachers</i>
178. (1) Subject to such terms and conditions as the Minister may direct, the powers, functions and duties of the Minister and of the Deputy Minister of the department under sections 89, 91 to 94, 97, 105, 106 and 108 to 116 and the regulations made in relation to those sections shall be deemed to have been delegated to the Director General with respect to teachers, principals and vice-principals employed, or to be employed, in schools and classrooms under the jurisdiction of the Commission scolaire francophone.		178. (1) Subject to such terms and conditions as the Minister may direct, the powers, functions and duties of the Minister and of the Deputy Minister of the department under sections 89, 91 to 94, 97, 105, 106 and 108 to 116 and the regulations made in relation to those sections shall be deemed to have been delegated to the Director General with respect to teachers, principals and vice-principals employed, or to be employed, in schools and classrooms under the jurisdiction of the Nunavut Schools Coalition.
<i>Same</i>		<i>Same</i>
(2) For greater certainty and subject to such terms and conditions as the Minister may direct, the powers, functions and duties of the Minister and Deputy Minister of the department under subsections 91(2) and 105(2) shall be deemed to have been delegated to the Director General with respect to applying subsection 3(1), section 4, subsections 8(1) and 10(1) to (5) and sections 12, 20, 22 to 26 and 29 to 37 of the Public Service Act and the regulations made in relation to those provisions to teachers, principals and vice-principals employed, or to be employed, in schools and classrooms under the jurisdiction of the Commission scolaire francophone.		(2) For greater certainty and subject to such terms and conditions as the Minister may direct, the powers, functions and duties of the Minister and Deputy Minister of the department under subsections 91(2) and 105(2) shall be deemed to have been delegated to the Director General with respect to applying subsection 3(1), section 4, subsections 8(1) and 10(1) to (5) and sections 12, 20, 22 to 26 and 29 to 37 of the Public Service Act and the regulations made in relation to those provisions to teachers, principals and vice-principals employed, or to be employed, in schools and classrooms under the jurisdiction of the Nunavut Schools Coalition.
<i>Limitations</i>		<i>Limitations - can appeal to Minister if disciplined</i>
(3) The delegation of powers, functions and duties under subsections (1) and (2) does not include		(3) The delegation of powers, functions and duties under subsections (1) and (2) does not include
(a) the powers, functions and duties of the Minister under section 22 of the Public Service Act in relation to grievances; or		(a) the powers, functions and duties of the Minister under section 22 of the Public Service Act in relation to grievances; or

(b) the duties of the Minister under subsections 94(4) to (7).		(b) the duties of the Minister under subsections 94(4) to (7).
<i>Termination of teachers if requirements decreased</i>		<i>Termination of teachers if requirements decreased</i>
(4) The Director General in acting under section 94 to terminate the employment of a teacher because the number of teachers required by the Commission scolaire francophone has decreased shall give the Minister written notice of the Director General's intention to terminate at least 14 days before giving the notice required by subsection 94(2) in order that the Minister may make the determination set out in subsection 94(4).		(4) The Director General in acting under section 94 to terminate the employment of a teacher because the number of teachers required by the Nunavut Schools Coalition has decreased shall give the Minister written notice of the Director General's intention to terminate at least 14 days before giving the notice required by subsection 94(2) in order that the Minister may make the determination set out in subsection 94(4).
<i>Oversight by Director General</i>		<i>Oversight by Director General - DG is boss, Coalition provides direction</i>
(5) Subject to the general direction of the Commission scolaire francophone, the Director General shall oversee and control the conduct of work of the teachers, principals and vice-principals employed in schools and classrooms under the jurisdiction of the Nunavut Schools Coalition and section 5 of the Public Service Act does not apply with respect to such teachers, principals and vice-principals.		(5) Subject to the general direction of the Coalition, the Director General shall oversee and control the conduct of work of the teachers, principals and vice-principals employed in schools and classrooms under the jurisdiction of the Nunavut Schools Coalition and section 5 of the Public Service Act does not apply with respect to such teachers, principals and vice-principals.
<i>Non-application of certain provisions in Part 11, principals and vice-principals</i>		<i>Non-application of certain provisions in Part 11, principals and vice-principals - this section, if retained, would substitute the Coalition for the DEA in decision making about Principals. These powers should remain with the DEAs and not be centralized.</i>
(6) Section 107, subsections 108(3) to (7) and sections 117 and 118 do not apply to the Commission scolaire francophone or to principals and vice-principals under its jurisdiction.		(6) <del>Section 107, subsections 108(3) to (7) and sections 117 and 118 do not apply to the Nunavut Schools Coalition or to principals and vice-principals under its jurisdiction.</del>
<i>Who can dismiss under section 108</i>		<i>Who can dismiss under section 108 - actual paperwork comes from DG</i>
(7) A dismissal under section 108 shall		(7) A dismissal under section 108 shall be



be made by the Director General.		made by the Director General.
<i>Appraisal of principals and vice-principals</i>		<i>Appraisal of principals and vice-principals</i>
(8) The Commission scolaire francophone shall ensure that the overall performance of a principal and vice-principal under its jurisdiction is appraised by the Director General at least once in each school year during the period in which the principal or vice-principal may be dismissed under section 108 and in the final year of the contract of the principal or vice-principal.		(8) The Nunavut Schools Coalition shall ensure that the overall performance of a principal and vice-principal under its jurisdiction is appraised by the Director General at least once in each school year during the period in which the principal or vice-principal may be dismissed under section 108 and in the final year of the contract of the principal or vice-principal.
<i>Same</i>		<i>Same the Coalition will appraise Principals and VP, with input from DEAs, as the Dept did in the past.</i>
(9) In relation to a principal or vice-principal under the jurisdiction of the Commission scolaire francophone, the reference, in section 106, to a performance appraisal under section 117 shall be deemed to be a reference to a performance appraisal under subsection (8). S.Nu. 2013,c.26,s.86(5).		(9) In relation to a principal or vice-principal under the jurisdiction of the Nunavut Schools Coalition, the reference, in section 106, to a performance appraisal under section 117 shall be deemed to be a reference to a performance appraisal under subsection (8). S.Nu. 2013,c.26,s.86(5).
<i>Role of Director General in employment matters re: other employees</i>		<i>Role of Director General in employment matters re: other employees DMs discipline powers transfer to DG (under direction of Board and Chair)</i>
179. (1) Subject to such terms and conditions as the Minister responsible for the administration of this Act may direct, the powers, functions and duties of the Minister responsible for the administration of the Public Service Act and of a Deputy Minister or deputy head under subsection 3(1) and sections 4, 8 to 10, 12, 16, 17, 19 to 26, and 28 to 37 of the Public Service Act and the regulations made in relation to those provisions shall be deemed to have been delegated to the Director General with respect to positions in the public service that are under the direction of the Director General.		179. (1) Subject to such terms and conditions as the Minister responsible for the administration of this Act may direct, the powers, functions and duties of the Minister responsible for the administration of the Public Service Act and of a Deputy Minister or deputy head under subsection 3(1) and sections 4, 8 to 10, 12, 16, 17, 19 to 26, and 28 to 37 of the Public Service Act and the regulations made in relation to those provisions shall be deemed to have been delegated to the Director General with respect to positions in the public service that are under the direction of the Director General.

<i>Oversight by Director General</i>		<i>Oversight by Director General</i>
(2) Subject to the general direction of the Commission scolaire francophone, the Director General shall oversee and control the conduct of work of employees under the direction of the Director General and section 5 of the Public Service Act does not apply with respect to such employees.		(2) Subject to the general direction of the Nunavut Schools Coalition, the Director General shall oversee and control the conduct of work of employees under the direction of the Director General and section 5 of the Public Service Act does not apply with respect to such employees.
<i>Non-application to teachers</i>		<i>Non-application to teachers</i>
(3) Subsections (1) and (2) do not apply to teachers, including principals and vice-principals.		(3) Subsections (1) and (2) do not apply to teachers, including principals and vice-principals.
<i>Limitations</i>		<i>Limitations</i>
(4) The delegation of powers, functions and duties under subsection (1) does not include the powers, functions and duties of the Minister under section 22 of the Public Service Act in relation to grievances and applying subsections 22(2) to (5) of that Act to the employees described in subsection (1), a reference to the Minister shall be deemed to be a reference to the Minister responsible for the administration of this Act.		(4) The delegation of powers, functions and duties under subsection (1) does not include the powers, functions and duties of the Minister under section 22 of the Public Service Act in relation to grievances and applying subsections 22(2) to (5) of that Act to the employees described in subsection (1), a reference to the Minister shall be deemed to be a reference to the Minister responsible for the administration of this Act.
S.Nu. 2011,c.10,s.4(2); S.Nu. 2013,c.26,s.86(6).		S.Nu. 2011,c.10,s.4(2); S.Nu. 2013,c.26,s.86(6).
Promotion of Language and Culture		Promotion of Language and Culture
<i>Promotion of language and culture</i>		<i>Promotion of language and culture*</i>
180. Teachers, including principals and vice-principals, in schools or classrooms under the jurisdiction of the Commission scolaire francophone shall promote fluency in the French language and knowledge of Francophone culture.		180. Teachers, including principals and vice-principals, in schools or classrooms under the jurisdiction of the Nunavut Schools Coalition shall promote fluency in the <u>Inuktitut</u> language and knowledge of <u>Inuktitut</u> culture.
		<i>Inuktitut or / English and Inuktitut? Remember we are leaning on both sets of rights. (Most Inuit will be dual rights-holders)</i>
Regulations		Regulations
<i>Regulations</i>		<i>Regulations - on recommendation of</i>

		<i>Coalition - preserves self direction</i>
181. The Commissioner in Executive Council may make regulations		181. The Commissioner in Executive Council, <u>on the recommendation of the Nunavut Schools Coalition</u> , may make regulations
(a) respecting the election of the members of the Commission scolaire francophone;		(a) respecting the election of the members of the Nunavut Schools Coalition;
(b) providing for the election of members from different electoral districts to the Commission scolaire francophone;		(b) providing for the election of members from different electoral districts to the Nunavut Schools Coalition;
(c) modifying the Local Authorities Elections Act as it applies to the election of members of the Commission scolaire francophone;		(c) modifying the effect of the Local Authorities Elections Act as it applies to the election of members of the Nunavut Schools Coalition;
		<i>n/a when not French language</i>
(d) specifying the respective powers and duties of the Commission scolaire francophone and the district education authority where the Commission is providing instruction in the French language in classrooms in a school that is under the jurisdiction of a district education authority and governing how those powers and duties should be exercised, including requiring them to be exercised jointly;		(d) <del>specifying the respective powers and duties of the Nunavut Schools Coalition and the district education authority where the Coalition is providing instruction in the French language in classrooms in a school that is under the jurisdiction of a district education authority and governing how those powers and duties should be exercised, including requiring them to be exercised jointly;</del>
(e) providing for additional members to be chosen under subsection 174(6), to sit as voting members of a district education authority if warranted by the proportion of the number of students to whom the Commission scolaire francophone provides instruction in classrooms in the school or schools under the jurisdiction of the district education authority to the number of other students in such schools; and		(e) providing for additional members to be chosen under subsection 174(6), to sit as voting members of the Nunavut Schools Coalition; and
(f) respecting the amount of the remuneration and expenses payable to members of the Commission scolaire francophone. S.Nu. 201		(f) respecting the amount of the remuneration and expenses payable to members of the Nunavut Schools Coalition. S.Nu. 201

FINIS ~ END ~ TAIMA



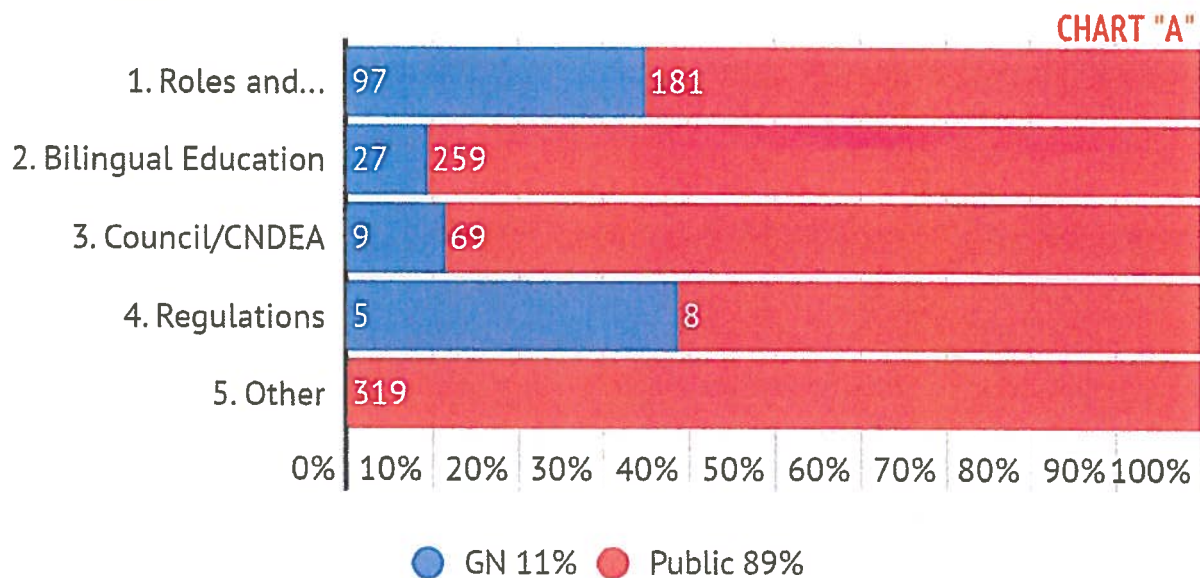
# 2018 Education Act Consultations

Summary prepared by the Coalition of Nunavut DEAs

## DOE Priorities and DEA Priorities

All Communities, All Consultations

1. Roles & Responsibilities	278
2. Bilingual Education	286
3. Council/CNDEA	78
4. Regulations	13
5. Other Issues	319
<b>Total</b>	<b>974</b>



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## Overview

The CNDEA tracked all 974 comments made by the public and the DEAs during community visits.

People spoke on the four themes raised by the Department only 138 times or 14% (blue).

All the red areas represent issues raised which were not included in the Departments presentations.

When DEAs and the Public came to consultation meetings, people wanted to share what they saw of concern or value - their own approaches within each topic as shown above:

1. Roles & Responsibilities (97 responses to Dept, 181 other)
2. Bilingual Education (27 responses to Dept, 259 other)
3. Council/CNDEA and (9 responses to Dept, 69 other)
4. Transition Regulations (5 responses to Dept, 8 other)

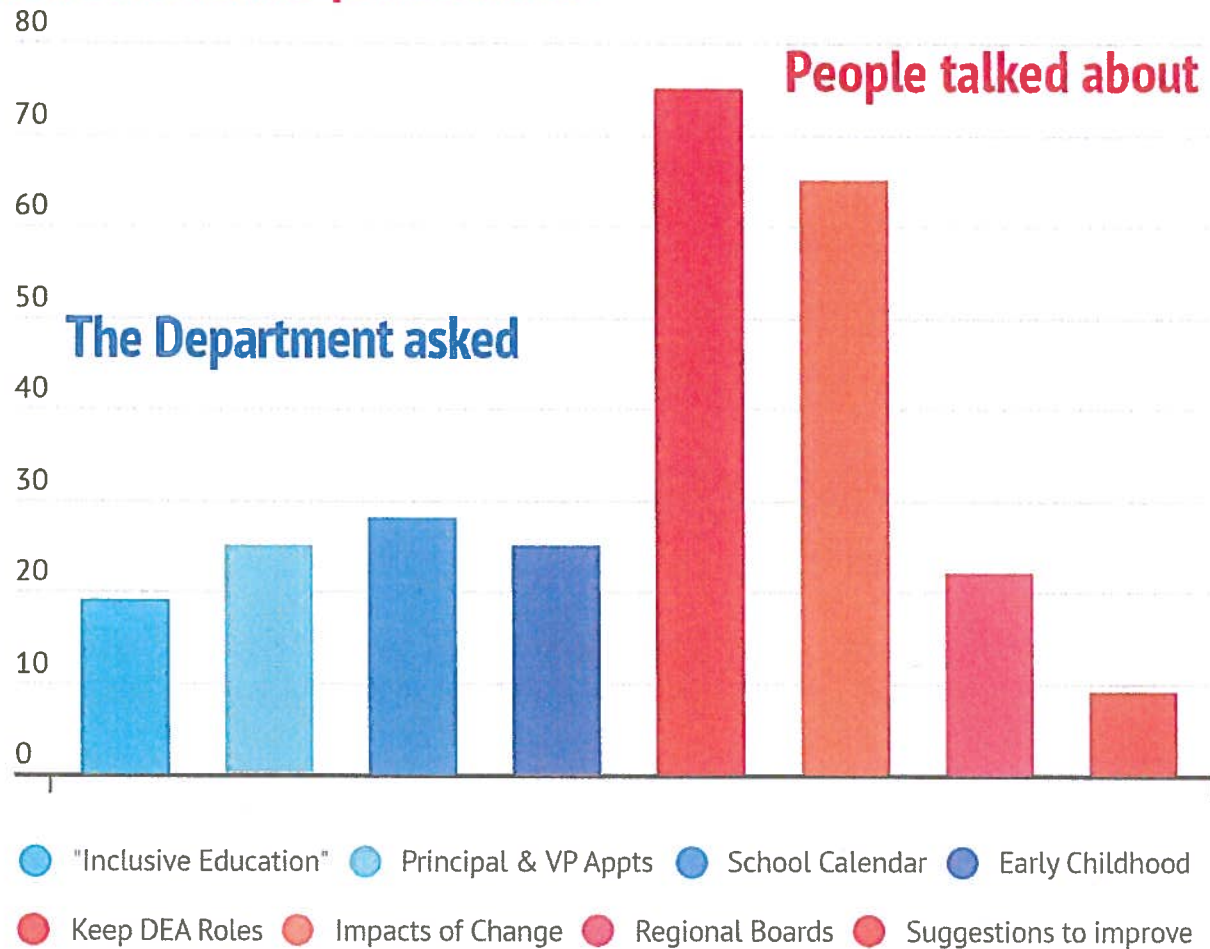
The rest of the time people spoke about other Education topics that were close to their hearts ( 319 original comments). Having quantified the data, it is obvious that the community priorities and the Department of Education priorities do not meet.

**WE QUESTION IF THE DEPARTMENT AND THE PUBLIC HAVE THE SAME PRIORITIES**

# Community Issues Raised by DEAs & Public

2018 Education Act Consultations

## 1. Roles and Responsibilities



**DOES THE DEPARTMENT AND THE PUBLIC HAVE THE SAME PRIORITIES?**

# Community Issues Raised by DEAs & Public

## 2018 Education Act Consultations

### 1. Roles and Responsibilities

Four topics were presented within this theme:

- (19) Inclusive Education;
- (25) Principal and Vice-Principal appointment and reappointment panels;
- (28) School Calendars; and
- (25) Early Childhood Education.

**While people responded to the proposals, communities and DEAs emphasized their priorities, including:**

- \* A lack of resources, including inadequate funding for Inclusive Education,
- \* The importance of DEA involvement in appointments, especially given the important role the Principal has as a leader in the school,
- \* There was an express rejection of standardizing the school calendar

**People also raised their own perspectives on these questions:**

- (75) DEAs need to keep their current authorities;
- (65) The negative impact of changes proposed;
- (22) Discussions about the effectiveness of the regional boards
- (9) Suggestions for improving or creating relationships between the Dept and DEAs.

# Community Issues Raised by DEAs & Public

## 2018 Education Act Consultations

### 1. Roles and Responsibilities

Many people underlined the need for authorities to remain in the communities. Two examples of the negative impact of centralizing decision-making were shared:

centralization of Housing Authorities and  
the loss of Regional Boards of Education

In different communities, these examples were identified as problematic for communities who in addition to seeking control also seek to develop on their own resources.

People suggested ways to improve the education system, including:

Improving relationships with and between parents, teachers, principals, and agencies like Family Services and NTI were frequently mentioned.

“Too many powerful bureaucrats.....” appeared to  
be a central theme.

Communities said the sense of hope when a Minister of Education comes to listen quickly diminishes, as nothing happens when the visit is over.

Several communities shared their frustration about the consultation method and the tight deadline imposed for responding to the 2018 Education Act consultations.



# Community Issues Raised by DEAs & Public

## 2018 Education Act Consultations

### 1. Roles and Responsibilities

A participant mentioned that government IQ principles were not being implemented.

A participant said that. “the legislative proposal falls short of reconciliation”.

Some specific suggestions were made, which included that the Minister of Education should have an advisory committee composed of community advisors.

People were concerned that it appeared that Bill 37 was being repeated

One participant exclaimed

“This is so discouraging, it took us over 3 hours to do up our written submission to Bill 37, can’t you just take our previous submission and use it?”

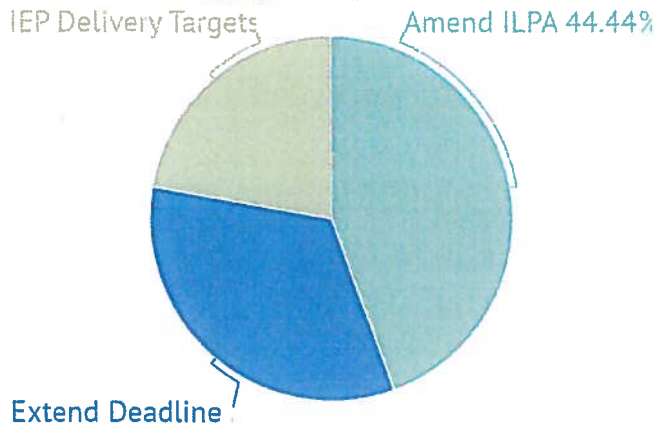
Some communities shared that their operations and maintenance budgets need to be increased in order for DEAs to do thier duties and responsibilities.

# Community Issues Raised by DEAs & Public

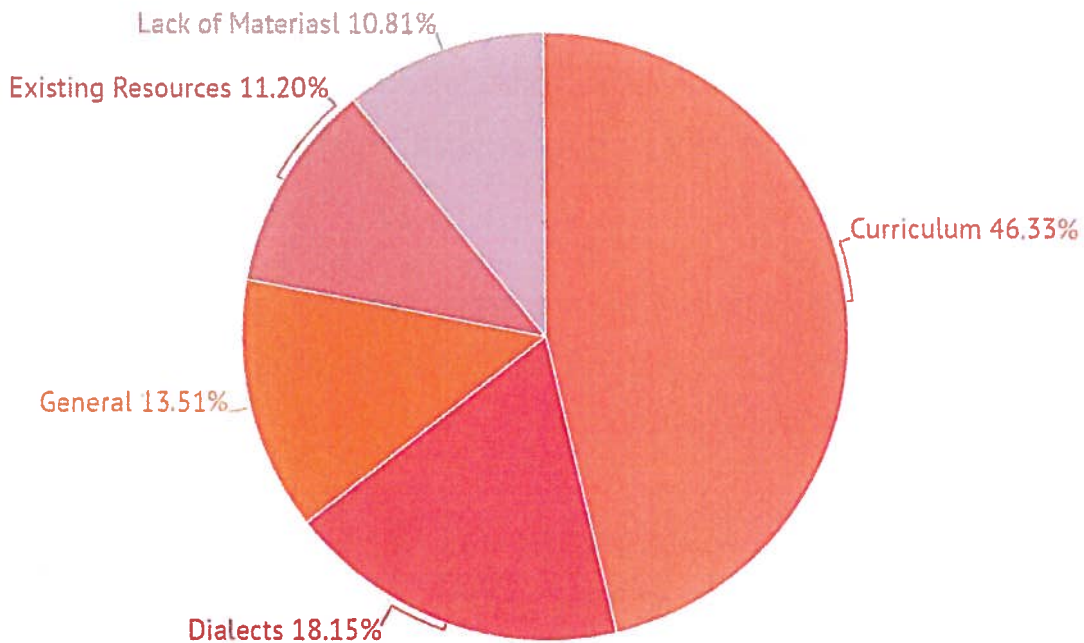
## 2018 Education Act Consultations

### 2. Bilingual Education

#### 27 DOE Priorities



#### 259 Public Priorities



**DOES THE DEPARTMENT AND THE PUBLIC HAVE THE SAME PRIORITIES?**

# Community Issues Raised by DEAs & Public

## 2018 Education Act Consultations

### 2. Bilingual Education

Twenty-seven (27) responses talked about the Department's topics:

- (12) Amending subsection 8(2) of the Inuit Language Protection
- (9) Extending the 2020 bilingual learning deadline, and
- Tie legislated goals to IEP targets.

#### **Communities responses to these topics included:**

Amending subsection 8(2) of the ILPA, was rejected. One representative response was,

“So you are saying, we have the right for our kids to be taught in Inuktitut, but .... only when the Department is ready?”

There were NO responses from the public that supported extending the deadline to implement Inuktitut teaching and learning. Many outlined to the DOE the already poor state of Inuktitut.

“You (DoE) say, don’t worry, we have an IEP plan and path to establishing targets, but we see no path, no plan, to develop and implement language and cultural programs”.

# Community Issues Raised by DEAs & Public

2018 Education Act Consultations

## 2. Bilingual Education

DEA and Public Priorities were raised 259 times, represent 27% of ALL responses. About half (46%) said the curriculum needs more resources for Inuktitut and Inuit culture.

Many could not understand how this will be achieved with so little class time in Inuktitut. Many more others suggested that Inuktitut/Inuinnaqtun should be a requirement to complete Grade 12. Some instead observed that proficiency in Inuktitut is important.

**The second major set of concerns were about standardizing Inuktitut.**

“Are we going back to federal day school again – standardized language?”

Most asserted that dialects must not be lost. People suggested that we look to Greenland and Nunavik, a comment that bilingual education is working in Arviat, and a call to return to earlier successes:

“Teaching & Learning Centres... Inuit teachers used to develop materials in Inuktitut, this worked well”.

# Community Issues Raised by DEAs & Public

## 2018 Education Act Consultations

### 2. Bilingual Education

Emphasis was placed on the responsibility of the community and how Inuktitut needs to be spoken in the community including suggesting radio shows like that of Mary Thompson from IUT doing local radio shows two hours each day.

There were several passionate responses about the lack of resources for existing Inuit teachers. They mentioned how challenging it is to deliver bilingual education when they have to create their own materials.

The Inuit teachers mentioned how they teach all day than have to spend all evenings to producing materials.

**The need to hire elders to educate in schools was a constant theme.**

"Elders are getting old, we are always last to translate materials"

"we are struggling for resources because of language and criteria but slowly getting better – we need to use knowledge holistically"

"we are buying our elders by paying them for our language, this is taking respect away from elders and language. Why do we separate them? We are taking the bond away from elders and language"

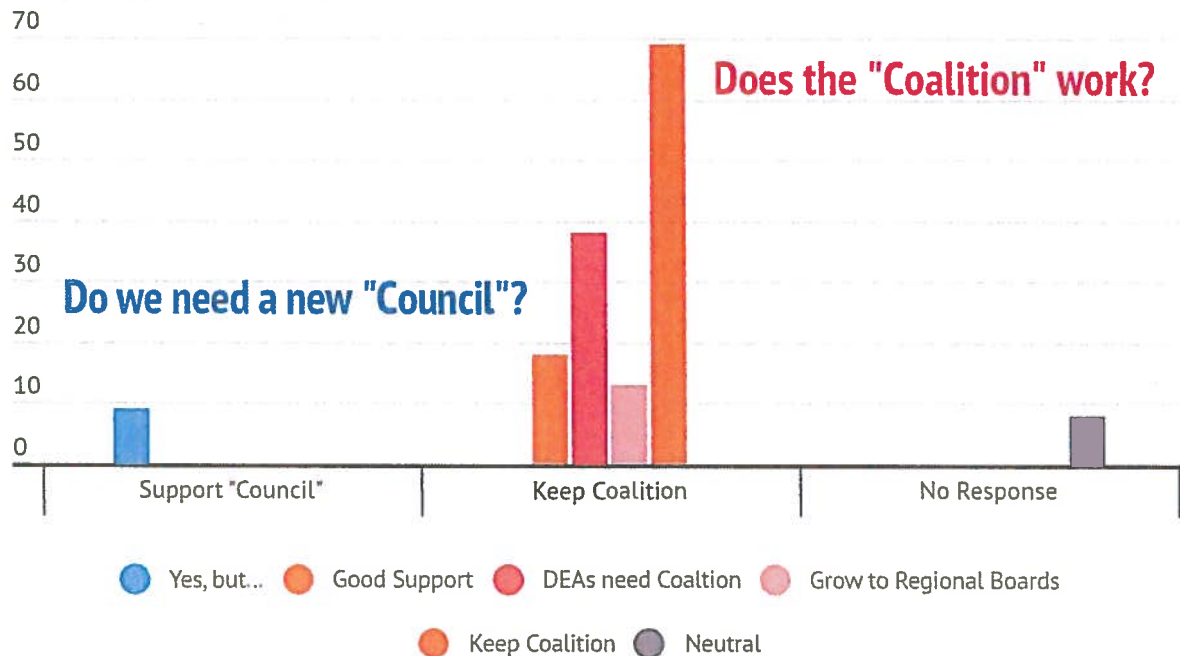
"there has to be a more creative way so that the respect can come back and thrive."



# Community Issues Raised by DEAs & Public

2018 Education Act Consultations

## 3. Council/CNDEA



## DOES THE DEPARTMENT AND THE PUBLIC HAVE THE SAME PRIORITIES?

Total of 78 responses

### Yes, but..... (9)

Nine responded yes to the creation of the Council, but with caveats:

- ...that it must be to better support DEAs;
- ...it must meet 3x per year
- ... separate from the DoE
- ...only if it will work well
- ... it could create a connection between the Minister and the Chair.

## Community Issues Raised by DEAs & Public

### 2018 Education Act Consultations

#### 3. Council/CNDEA

##### **Coalition as Good Support (18)**

Responses were presented indicating that the CNDEA already provides good support to DEAs.

"If nothing needs to be fixed, why do we need a Council?"

Another indicated they appreciate the good support they receive; however it can be challenging knowing the CNDEA has a limited budget.

"....we do have a lot to do, but I enjoy them because we are empowering our communities. Why are you trying to create another agency, when the coalition was developed from the communities?"

"They have done a lot to support our DEA. I would like to see them continue, as they grew out of the community and from Inuit".

A suggestion was made that even if the Council idea does not go forward, that the resources promised should then be transferred to the CNDEA.

##### **Effect of DEAs (38)**

The majority were concerned about effects the Council could have on DEAs. There were many concerns about who the Council would be accountable to, whether there would be local authorities "taken away" and how similar it would be to the CNDEA.

# Community Issues Raised by DEAs & Public

## 2018 Education Act Consultations

### 3. Council/CNDEA

"I think that if DEAs are better supported there would be more solutions being made in the community".

A responder wondered if the creation of the Council would be expensive, as regional boards had been removed "to cut costs."

"All communities have DEAs. It is not for the Department to take authorities from DEAs. They will use up too much funds. Government has to be accountable in how it uses its funds."

There was a concern that creating a Council would create centralized employment, where the newly created staff would work in a setting not within the communities and that they would be chosen by people not familiar to the realities of living in the north.

"There needs to be more employment in the communities. The DEAs in the communities need to choose people."

### Return to Divisional Boards (13)

Before the creation of Nunavut, members of the public noted, there were Regional Education boards.

"Ever since the school boards were removed DEAs have been trying to *stay standing*."



# Community Issues Raised by DEAs & Public

## 2018 Education Act Consultations

### 3. Council/CNDEA

Feedback was provided that boards of education were effective before they were removed. Some said they missed the regional boards, indicating they (DEAs) used to get more support from the boards than they do from regional school operations.

“What he would like the DoE to know is that the Baffin Divisional Board of Education (BDBE) was working well when the GN decided to get rid of it without using IQ principles. In BDBE days they used IQ throughout the school program, the Inuktitut programs were stronger and supported then. His concern is that DoE by slashing the DEAs roles & responsibilities, our budgets will also be slashed.

#### **Support for CNDEA (69)**

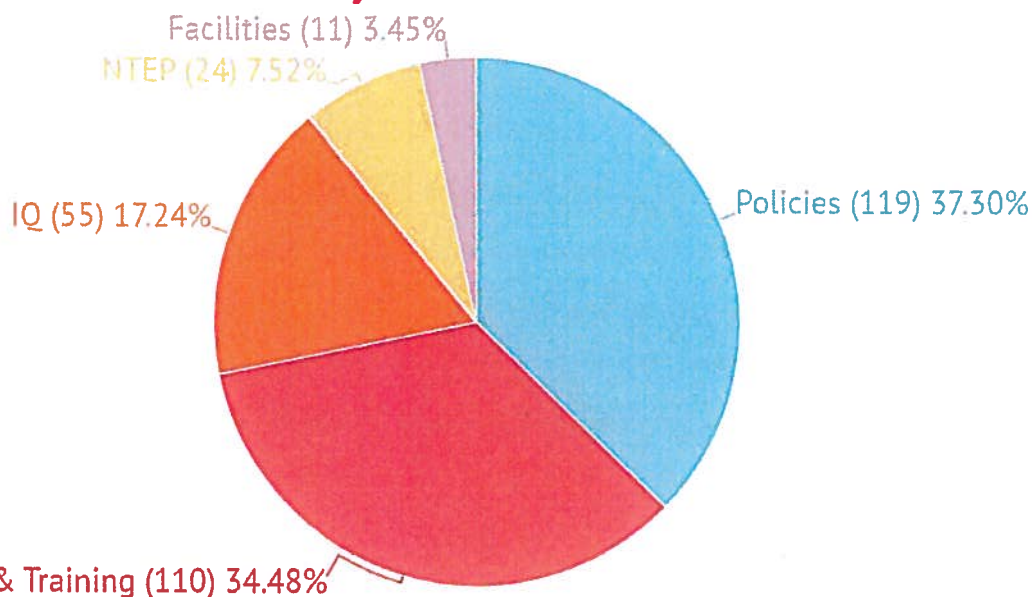
By far the largest group simply supported the Coalition and encouraged MLAs to keep this support in mind.

#### **Eight responders were neutral (8)**

# Community Issues Raised by DEAs & Public

## 2018 Education Act Consultations

### 4. Other Issues Raised by the Public



### DOES THE DEPARTMENT AND THE PUBLIC HAVE THE SAME PRIORITIES

Issues which were NOT on the Departmental agenda represented the most responses. There were 319 responses, representing 33% of the overall responses.

Given the vast diversity in these responses, we have summarized these responses into the following sub-issues:

**Nunavut Teacher Education Program (NTEP);**

**Human Resources and Training;**

**Inuit Qaujimajatuqangit;**

**Policies, and**

**Facilities.**

The number of comments and the common themes focus on the overwhelming need for the education system to be founded in IQ, in Inuit history and heritage.

# Community Issues Raised by DEAs & Public

## 2018 Education Act Consultations

### 4. Other Issues Raised by the Public

#### **NTEP (24)**

Many focused on the teachers and future teachers, saying that there are not enough supports for NTEP students, there are not enough Elders or ways for Elders to be involved in the education system. People asserted that teachers must receive training to be bilingual. Many spoke of the need for more supports and higher salaries for teachers and, at the same time spoke of the need to make sure teachers are properly assessed and monitored.

#### **HR and Training (110)**

People talked about the barriers and realities outside of the schools having an impact on classrooms, like the legacy of residential schools, lack of housing, and the need for creative engagement for Inuit within the school system: breakfast program coordinator, bus drivers, interpreters, staff hired for on-the-land programs, school counsellors, SSAs, language specialists, office managers, monitors at night within schools, guidance counsellors, truant officers, mental health workers and attendance officers.

#### **Policies such as Social Passing (Promotion), Attendance Policies (119)**

Two major themes that also emerged were the concerns about **social passing (promotion)** and the lack of **attendance**. Many ideas were shared about how to retain students and to ensure that the practice of social promotion is ceased.

# Community Issues Raised by DEAs & Public

## 2018 Education Act Consultations

### 4. Other Issues Raised by the Public

#### **IQ in Education Act (55)**

The *highest number of responses to any single issue was the opposition to the proposal to remove IQ from the Education Act*. Fifty five people chose to speak to this issue on their own initiative. They underlined the importance of Inuit Qaujimajatuqangit and Inuit culture within the education system and in the governing legislation.

Responses also touched on diverse issues, including the need for busses, addressing overcrowded classrooms and creating space for elders to teach in schools.

Specific recommendations were made, including:

- > for the Minister to create an Elders Advisory Committee,
- > that we teach what is important to our children, including: survival skills, Inuit knowledge and the history of Nunavut.
- > to properly implement the Student Educator Ratio based on population and not on student enrolment - this would support returns to school, not punish students.
- > home schooling was mentioned a couple of times and how it needs to be more flexible.

AND, if only to encourage MLAs to consider consultation on the many issues that impact us, one person suggested that all Nunavut laws need to be reviewed.





This serves to limit the ability of DEAs to have a say in what education can look like in their schools. For example:

**\*ALSO IN BILL 25**

- Education Program –local programs can only be enhanced or modified by DEAs with approval by the Minister.
- School Program – DEA oversight for the school program has been lost meaning the partnership between DoE, School Administration and DEAs has been significantly weakened.
- Poor attendance is a major issue in Nunavut as noted in a number of reports. Bill 37 should be taking a proactive approach to addressing this problem by directing Principals to work with DEAs to improve attendance, and ensuring that DEAs are provided with regular reports on attendance issues and trends from data collected in the school.
- Instructional Hours and School Calendars – During community consultations and in a review of submissions for Bill 37 we did not see any collective voice advocating for a standardized school year. CNDEA does not agree that standardizing the school calendars and instructional time will improve the quality of education. In fact, it will serve to diminish registration and attendance. Communities remain closely affected by the seasons in the north. These seasons will not be conducive to what the DOE attempts to legislate.
- DEA role in Staffing and operations – While the CNDEA agrees with the importance of compliance with the *Public Service Act* and the NTA Collective Agreement, Bill 37 proposals do not place any effort on recognizing DEAs as community experts whose voice in staffing processes reflect the interests of the community. The CNDEA has previously stated that the DEAs should have:
  - a. Participation on all panels for teaching hiring, as well as principal and VP appointments/reappointments.
  - b. Consultation with respect to dismissal of principals and VPs.

**\*ALSO IN BILL 25**

#### ***Daycares restricted, early years learning stopped***

The proposed bill limits the ways that DEAs can create childcare space or sponsor early learning. If DEAs don't comply with the Department of Education, there will be no funding and they will be able to run the daycares in our schools, using resources we are not allowed to use.

**\*ALSO IN BILL 25**

#### ***No priority on Inuktitut language***

The Department wants to control language of instruction, yet has taken no responsibility for the lack of planning for Inuktitut teachers or the shortage of learning materials, and wants to be unaccountable on results for another 10 years – still without a plan. The provisions related to language of instruction will further diminish the use of Inuktitut. The amendments must be to the effect of injecting more resources for Inuktitut to be taught from K-12 as soon as possible.

**\*ALSO IN BILL 25**

#### ***Excluded from Inclusive Education***

Students within the Inclusive Education program are the most vulnerable, but the proposed changes mean that plans can be made for them without parent's permission and the DEA will be prohibited from advocating to help parents. In addition, the current *Education Act* should be amended to allocate support and resources for students with behavioral challenges.

**\*ALSO IN BILL 25**

### ***Student/Educator Ratios***

The Department has not addressed the need for the student/educator ratios to be reformulated and this must be addressed in amendments to the *Education Act*. The amendment must exclude the Principal and vice-principal from the formula.

**\*ALSO IN BILL 25**

### ***Loss of DEA Council***

Bill 37 proposes to dissolve the Coalition and replaces it with an organization controlled by the Department. In addition, it proposes to remove the collaborative efforts between the NTI and the Nunavut Disabilities Makinnasuartiit Society. The membership of within the Coalition is critical and their voices are vital within the Coalition – Replacing the Coalition with the Council is another example of centralization and control from Iqaluit.

**\*ALSO IN BILL 25**

The recommendations in Bill 37, in general, establishes the process of approval of day to day responsibilities and authority to the Minister of Education or designate rather than the elected bodies of the local DEAs. The CNDEA sees this as moving away from decentralization. The DEAs wish to remain the body that has the right and authority to manage its current responsibilities in a teamwork manner with school staff and other pertinent organizations within the communities. We believe the changes will bring isolation and division, moving away from all the years and effort we have put into our schools and our children's education and that is why we cannot agree with the Recommendations to Bill 37.

We will continue to send you information on our concerns, as one letter is not enough to cover all the details of Bill 37, which takes Nunavut education in a very bad direction.

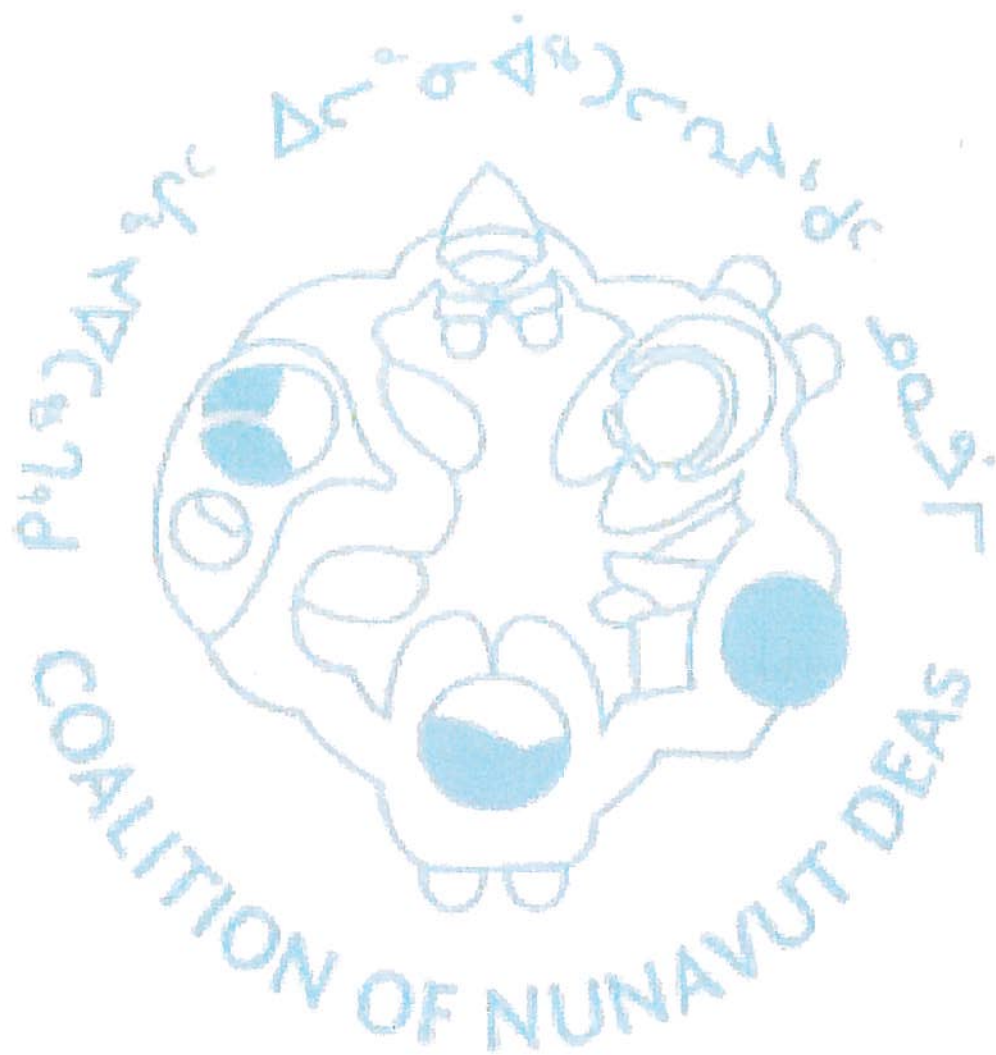


Donna Adams Chairperson

CC:               Members of the Legislative Assembly Nunavut DEAs  
Board of Directors  
Nunavut Tunngavik Incorporated

# SUBMISSION ON

## "BILL 37 BRAVO"



DECEMBER 18, 2018  
PO BOX 2488, IQALUIT NU  
866-979-5396  
[COALITION1@NORTHWESTEL.NET](mailto:COALITION1@NORTHWESTEL.NET)



## INTRODUCTION

In this submission the Coalition of Nunavut District Education Authorities (the CNDEA) sets out its Member DEAs objections to the proposed direction and substance of a (2019) Education Act for Nunavut as described in **Ilinniarnilirniq Turaaqpalliajavut**.

This unfortunate position of opposition has arisen because the Department of Education continues to assert plans to centralize and control education in Nunavut communities without seeking to build any consensus.

As this new proposal is based on the rejected Bill 37, we are using the working title of “Bill 37 Bravo” for this proposed new legislation.

## EXECUTIVE SUMMARY

The legislative proposal that was approved by Cabinet in 2018 states that “*The principal objectives of this legislative proposal remain consistent with the objectives of Bill 37*”.

Given that Bill 37 was rejected, the CNDEA must repeat again the same issues the CNDEA was concerned with in Bill 37:

- Abandonment of Inuit Qaujimajatuqangit as a guiding principle for the Act
- Extraordinary Centralization of authority in Iqaluit headquarters
- Micro-management of community life
- DEAs excluded from important school decisions
- DEAs excluded from hiring decisions
- Daycares restricted, early years learning stopped
- No priority on Inuktitut language and culture of teaching
- No accountability for failure to implement Inuktitut language and curriculum
- Exclusion of DEAs from Inclusive Education initiatives for children
- Student/Educator Ratios unclear and unimplemented
- Loss of independent voice for communities through creation of DEA Council

In each case, the way these matters are addressed in **Ilinniarnilirniq Turaaqpalliajavut – Our Goals for Education**, will only generate MORE frustration from the DEAs.

The CNDEA shares the view of the DEAs, that the authorities which were recognized in the 2008 Education Act must remain and that the proposed erosion of community

responsibilities and authorities must be replaced by embracing both Inuktitut and community as the centre of our children's education.

DEAs have continued to express hope for a working relationship with the Department and have received in return a confusing stream of messages that blame, ignore, refuse DEA priorities and back away from issues DEAs see as important.

There is no concrete rationale given for most changes proposed. DEAs generally receive hopeful messages from the Minister and Deputy Minister of Education but receive holdback and even conflicting information from Departmental Officials and frequently from the three regional School Operations.

This submission addresses the four issues in the categories identified by the department in its Legislative Proposal:

1. DEA Roles and Responsibilities;
2. Bilingual Education and Language of Instruction;
3. Council of DEAs;
4. Transition Regulations

as well as

5. Other items raised by communities and DEAs.

We recognize that the Department has described these proposals and positions as "*a starting point for discussion*" and has "*encourage(d) Nunavummiut to share their ideas and input.*" While this is a valuable invitation, it essentially puts the burden on the DEAs, the Coalition and the public to demonstrate once again their issues with a proposal which is a repeat of the Bill 37 exercise.

At this point in the history of Education in Nunavut the Coalition is very disappointed in all the failures of collaboration and all the energy and funds put into legislative process, repeatedly since 1999, when our efforts and resources should be focused on language, curriculum, learning standards and supporting children in classrooms.

On a positive note, the Coalition has offered on multiple occasions, in writing and in personal conversations with officials and politicians to workshop with the Department (in conjunction with Nunavut Tunngavik) any proposals, discussion papers or approaches the Department is proposing, with the goal that development would be in a positive and collaborative direction for our students.

### **1. DEA Roles and Responsibilities**

Fundamentally the Coalition opposes any reduction in authority of DEAs from the 2008 legislation. Instead, appropriate resources and supports should be added for the Coalition and for DEAs.

On a case by case basis, where the Department can show that there is a positive and valid reason to change accountabilities, the Coalition is prepared to consider a limited number of changes and would review them with its Member DEAs.

Potentially some areas of responsibility could also be improved by transfer to DEAs.

The Coalition is open to this discussion, but unless such a conversation occurs, there is no current reason to change the authorities of DEAs.

## **2. “Bilingual” Education and Language of Instruction**

Most of the “changes” proposed by the Department in the area of Inuktitut education do not require legislation to take effect. The Coalition urges the Department to take action to develop Inuktitut curriculum, materials and teaching capacity without waiting for any form of legislative change. Efforts in these areas should be operating in overdrive and we should all avoid being diverted from this work by the continuing stream of studies and proposals and draft plans being offered by the Department.

Other of the legislative changes proposed are designed to avoid accountability for deadlines that have been openly and clearly known for many years. Nunavummiut are being asked to accept, without question, that after twenty years the Department has failed to train the required number of teachers and produce curriculum and materials in Inuktitut.

Instead of the concrete and public deadlines in the IPLAct, which were ignored, Nunavummiut are now being asked to trust the Department to develop “*timelines*” and “*plans*” and to accept that rights to education in Inuktitut should be subject to “*as capacity and resources expand*.”

Yet another generation of children will grow up without effective language instruction, and with a continuing cultural loss, year over year as we wait for capacity and resources to expand under the direction of a Department which has not demonstrated any capacity to make this change happen.

The proposed changes would reduce the authority of the DEA in the area of language of instruction down to simply “*the ability to request an explanation*” and would fundamentally shift Inuktitut language education to “bilingual” education, with no guarantee of the Inuktitut portion of the “bilingual”.

The Coalition rejects this downgrading of Inuit language rights and educational authorities and reminds the Department (as shown in Appendix “E”) that these demands have been clearly made for over 50 years.

The Department appears to fear that parents or advocates might advance a Court action in based on the GN's failure to implement legislation. The Coalition sees the possibility of a publicly reviewed and openly debated, court-supervised implementation of Inuit Language rights as potentially a very positive outcome for the Inuktitut language and our students. Perhaps the Department should embrace the obligations it has and make a reference to the Courts to enable this accountability process.

### **3. Council of DEAs**

In this portion of its proposal, the Department asks to de-fund and effectively dismantle the only independent representative of Nunavut Education Authorities, revoke its mandate and substitute an organization under the control of the Department and legislature.

This once again demonstrates the desire of the Department to have unquestioned control of the Education system without accountability.

The Coalition opposes this proposal.

Any of the positive goals in the **Ilinniarnilirniq Turaaqpalliajavut** proposal which relate to the Coalition, and any of the tasks which the Department suggests the newly founded Council could perform can be accomplished very simply:

Enter into contracts with the Coalition,

Transfer the funds and positions (or the resources for those positions), and  
Permit the Coalition to begin the work suggested, **NOW**,

acknowledge and embrace the current relationships and obligations to the Coalition as  
contained in the 2008 Education Act,

This is completely within the Department's ability and authority to implement and *it would show a level of good faith that would massively improve the Department's relationship with communities.*

### **4. Transition Regulations**

It has been 20 years since the creation of Nunavut and 10 years since the 2008 Education Act was passed. There is really no excuse for the failure of the Department to develop the required regulations.

The CNDEA finds it hard to support the concerns the Department describes regarding the passing of transition regulations. The CNDEA also has serious concerns that the Department proposes that the Minister could create laws with no external oversight or review.

Specifically the Coalition is concerned that the proposal does not describe a lawful process for the creation of regulations. It also vividly speaks to the Department's tendency to isolation and refusal to collaborate, even within government.

Generally speaking the DEAs find the regulations created by the Department in the past to be restrictive and excessively detailed and interfering in the decisions of the community. The "consultation" process for regulations is, too late in the process for effective dialogue and based on the circulation of pdf files which are difficult to comment on.

The CNDEA also expresses concern that the Department controls its employees by using diverse instruments including Directions (under the 2008 Education Act) and instructions to Principals which are:

- a. not shared with DEAs
- b. not available in any central location or on-line
- c. not reviewed by any external agency.

The Department has in no way demonstrated a record of open communication and collaboration which would allow the CNDEA to expressed confidence in its capacity to engage in an open and responsible exercise of solo regulatory or legislative activities.

#### **5. Other items raised by communities and DEAs.**

In its Legislative Proposal the Department identified 19 issues which it felt were so normal and acceptable that there was no need to discuss them in the communities.

The Coalition sees many of those issues as **highly controversial** and rejects the idea that no consultation is required. In particular the Coalition objects strongly to:

- a. extending the terms of Principals and reducing DEA participation in their evaluation and extension decisions
- b. taking authority for discipline, suspensions and expulsions from DEAs
- c. removing references to Inuit Qaujimajuqangit throughout the Act
- d. reducing DEA roles in supporting students with individual needs

Once again we express concern that the Department should ever imagine that major changes in these areas could be uncontroversial. Our member DEAs feel exactly the opposite and feel very strongly that the role of community in these decisions is fundamental.

## CONCLUSION

The Department of Education should begin again with a new Legislative Proposal, based on what it has heard and learned in community consultations over the past three months.

A collaborative process with NTI and the Coalition still has the possibility of producing a widely accepted legislative proposal for the 5<sup>th</sup> Assembly.

In the interim, and without waiting for a new Act, the Department needs to pursue with full efforts its work towards Inuktitut education, collaboration with the Coalition of DEAs, and the fulfillment of 50 years of community demands for quality education in the Inuit language and cultural context for our children.

## APPENDICES

- A> Inventory of Issues Raised by Communities in Consultations  
*(this material is still being compiled due to delays in final consultations)*
- B> Motion from CNDEA AGM in November 7, 2018
- C> Motion from CNDEA AGM in October 2016
- D> Motion 1970 ITC (ITK) Founding Meeting Kugluktuk
- E> Truth and Reconciliation Report Vol. 2 – extract
- F> Approaching Inuit Education as Rights Based



## **APPENDIX “A”**



**Submission of the Coalition of Nunavut DEAs**

**December 18, 2018**

**INVENTORY OF ISSUES  
COLLECTED FROM COMMUNITY CONSULTATIONS  
See Tab 4**

## APPENDIX “B”



Submission of the Coalition of Nunavut DEAs  
December 19, 2018

Motion from CNDEA AGM - October 2016



## **ANNUAL GENERAL MEETING - 2018**

### **Delay or Postpone the remaining consultations**

**WHEREAS in 2017:** the Fourth Legislative Assembly failed to pass Bill 37, An Act to Amend the Education Act and the Inuit Language Protection Act, in the wake of overwhelming opposition of the public, including Nunavut Tunngavik Inc., the Coalition of Nunavut District Education Authorities (CNDEA) and the District Education Authorities (DEAs); and

**WHEREAS** the Government of Nunavut (GN) has recently made public a legislative proposal for proposed amendments to the Education Act and the Inuit Language Protection Act, which are essentially the same as the proposals in Bill 37, which were rejected; and

**WHEREAS** since January 2018, the CNDEA, in consultation with the DEAs and NTI, has been seeking a meaningful partnership with the GN to develop the new amendments to the Education Act and the Inuit Language Protection Act, consistent with a focus on delivering the best practical education for Nunavut children

**WHEREAS** the GN in the past, has worked successfully to co-develop legislation with stakeholders, and such collaboration is now the standard for best practice in Nunavut; and

**WHEREAS** the CNDEA has consistently asked to work and collaborate with the Department of Education in developing legislation, and on September 5, 2018, Chair and Executive members of CNDEA, provided a detailed plan to the Minister for an intensive 3 day collaborative session with CNDEA and NTI representatives, including proposed agenda.

**WHEREAS** the CNDEA and its Members are open to discussing a variety of proposals for the Education system, as long as they are founded on improved quality of education for Nunavut students

**WHEREAS** the Minister and Deputy Minister of Education attended a Question and Answer session with CNDEA Members on the evening of November 7th, 2018 and expressed willingness for an open dialogue and were not clear in providing DEA members with solid reasoning behind many of the changes proposed;

**AND WHEREAS** the GN has imposed a December 14, 2018 deadline for completion of public consultation and development of a new bill;

**NOW, THEREFORE, BE IT RESOLVED THAT** the CNDEA joins NTI in calling on the Minister of Education and the GN to:

1. Delay or postpone the remaining community consultations in favour of focusing resources on a collaborative process (as identified in the September 5, 2018 proposal provided by the Coalition and attached to this resolution) which would bring parties' positions to the table for open dialogue and identify the value and logic behind proposed legislative changes, if any
2. Extend the consultation deadline beyond December 2018 to allow for this process to occur;
3. Commit to a dialogue which is founded on decisions that maximize positive impacts for students, the values of the Inuit Language and culture in the learning of our children at each age of the education system, and identifies both legislative and policy or other change which will advance these results;
4. Co-develop the legislative drafting instructions and amendments with NTI and the CNDEA, as per the established best practice in Nunavut on other legislation.
5. Return to a meeting of CNDEA Members in the next 6 to 12 months to confirm with us the successes we can achieve by working together for our children and future.

**Moved by:** Jeannie Ugjuk

**Seconded by:** Terry Kalluk

AGAINST 0

Abstained 0

PASSED

## APPENDIX “C”



Submission of the Coalition of Nunavut DEAs  
December 19, 2018

Motion from CNDEA AGM - October 2016

**Motion**  
**Delay Education Act Consultations**

Motion # \_\_\_\_ Date: May, 2016

Abstained 0

Against. 0

Carried

Whereas: DEAs only received in May 2016 a copy of the Department of Education's correspondence dated December 24, 2015 addressed to all MLA's outlining the consultations scheduled for the Education Act,

And Whereas: The proposed consultation schedule was not previously discussed with DEAs, resulting in the consultations occurring in the months when many DEAs have concluded the school year,

And Whereas: consultations on legislation should follow a process of transparency, reasonable timelines, fairness and the principles of Inuit Qaujimajatuqangit,

Therefore be it resolved: The Apex, Cambridge Bay, Clyde River, Nauyasat, Pangnirtung and Rankin Inlet DEA asks the Department of Education to delay the Nunavut Education Act consultations until the fall of 2016.

c.c. MLA

Minister of Education

Coalition of Nunavut DEAs



## APPENDIX “D”



Submission of the Coalition of Nunavut DEAs  
December 19, 2018

MATERIALS FROM VOLUME 2  
TRUTH AND RECONCILIATION COMMISSION REPORT

## Truth & Reconciliation Commission Report – Extract - Vol 2. Page 170-1

Momentum for change [*in Education*] continued to build in the 1970s. By then, a youthful and talented Aboriginal group of leaders, many of them bilingual, were emerging in the North. They included Piita Irniq, Nick Sibbeston, Tagak Curley, James WahShee, Georges Erasmus, John Amagoalik, Nellie Cournoyea, Richard Nerysoo, Jim Antoine, and Stephen Kakfwi. Most of these leaders had attended either residential schools or schools in southern Canada.

This new generation took on leadership roles across the territories, in both Aboriginal rights organizations and territorial government, and several eventually attained the office of premier. They had consistent approaches, based on personal experience, an awareness of Aboriginal rights, and a first-hand understanding of the challenges of schooling in territories where economic development was promised, and where Aboriginal languages, hunting, trapping, and other traditional land-based activities remained important to their collective well-being, and essential to their identities.

As a result, Aboriginal people began to shape the debate over northern education.

For example, Alain Maktar from Mittimatalik (Pond Inlet) told Northern Affairs officials in Iqaluit in 1968 that “*we want the Eskimos to be taught in Eskimo*” and “*we want hunting included in this education as well as home economics.*” He argued for employing Elders in the classroom and summed up, “*there are about four things we want them to learn, hunting, building igloo’s, in the wintertime and the sewing and the language. If they learn those things they will be able to live in the Arctic.*”

Delegates from several Inuit regions gathered at Kugluktuk (Coppermine) in 1970, to lay the groundwork for the formalization of the national Inuit organization, the Inuit Tapirisat of Canada (now the Inuit Tapiriit Kanatami). [...]

The delegates concluded that the present school systems “*fail to provide our children with a meaningful education suited to their environment, fail to preserve our native cultures and fail to provide useful Canadian citizens.*”

**These points became the standards against which Inuit and other northern peoples would judge their school systems.**

## APPENDIX “E”



Submission of the Coalition of Nunavut DEAs  
December 19, 2018

ITC FOUNDING MEETING  
KUGLUKTUK 1970

RESOLUTION ON EDUCATION

1970- Kugluktuk-ITC demand school calendars be set by "each community council"

### 1970- Kugluktuk-ITC

Delegates from several Inuit regions gathered at Kugluktuk (Coppermine) in 1970 to lay the groundwork for the formalization of the national Inuit organization, the Inuit Tapirisat of Canada (now the Inuit Tapiriit Kanatami).

The delegates conclude that the present school systems "fail to provide our children with a meaningful education suited to their environment, fail to preserve our native cultures and fail to provide useful Canadian citizens."

They demand:

- that each community council have a voice in the curriculum content so that native history, culture and skills be included as full credit courses;
- that each community council determine what vacation months during the year will apply to a community. The Southern Canadian standard of July and August is almost universally unsuited to the wishes of Arctic Communities;
- that more schools be provided as rapidly as possible to eliminate the absences from home of ten months per year for our children;
- that instruction in native language dialects in the primary grades be implemented now ... We are decades behind the educational systems of Greenland and Siberia in this regard;
- that the program to utilize native teachers and teaching aides be greatly expanded immediately.

SOURCE: "Telegram from Coppermine Conference," [http://www.capekrusenstern.org/docs/itc\\_coppermine\\_1970.pdf](http://www.capekrusenstern.org/docs/itc_coppermine_1970.pdf). The statement was sent by telegram to Prime Minister Pierre Elliott Trudeau.

A copy of this well-known eight-page document appears on Capekrusenstern.org, a privately managed online repository of mainly western Arctic public documents.

**APPENDIX “F”**



**Submission of the Coalition of Nunavut DEAs**

**December 19, 2018**

**APPROACHING INUIT EDUCATION  
ON A  
RIGHTS-BASED FOUNDATION**

## INUIT EDUCATION RIGHTS

The Coalition of DEAs approaches working with the GN as a collaborative effort, with our focus being on obtaining best results for learning in our communities;

We are also aware that, as a representative organization for Inuit parents and children, it is possible to assert rights which could define structures and governance for education in Nunavut;

We are aware of the dialogue within Nunavut Tunngavik regarding Inuit self-government and appreciate the frustrations which have lead to that discussion;

By reviewing the 50 year old motion from Kugluktuk and recognizing that half a century later we are still fighting the same battles with central authorities, we also ask if acceptance of the existing structures is the best approach for education in the Territory.

### Assessing a Rights Based Approach

1. While the CNDEA is not a Designated Inuit Organization as defined in the Nunavut Land Claim Agreement, the CNDEA membership is composed mainly of Inuit who are members of elected DEAs in Nunavut, representing majority Inuit parents, communities and schoolchildren in every community.
2. The CNDEA was created by those largely Inuit DEAs after the regional school boards were dissolved by the Government of Nunavut in 2000. It is separate and distinct from the Government of Nunavut, although it does have rights under the 2008 Education Act.
3. The DEAs have used the CNDEA as a conduit to ensure that Nunavut communities have an advocate and that DEAs have a voice when they need support in their community context or when dealing with the DoE proposed change.
4. Article 32 of the Nunavut Land Claim Agreement states that government has an obligation to *"provid[e] Inuit with an opportunity to participate in the development of social and cultural policies and in the design of social and cultural programs and services, including thier method of delivery, in the Nunavut Settlement Area"*.
5. In addition, Articles 14 and 15 of the United Nations Declaration on the Rights of Indigenous People (UNDRIP), establish that
  - a. Indigenous peoples have the right to establish and control [...] education systems, in [...] languages and in a manner appropriate to their cultural methods.
  - b. States must take measures to insure indigenous access to education in people's own culture, provided in [...] own language.



6. Inuit in Nunavut have an unextinguished and constitutionally protected right to self-government, including the right to educate children in the Inuit languages and culture.
7. The CNDEA, in its work, seeks to advance and protect these rights and inherent rights of Inuit.
8. It is our assertion that local education authorities in Nunavut, elected by Inuit, and educating Inuit children are entitled to NOT LESS THAN the same level of independent authority as is exercised by communities elsewhere in Canada or Nunavut.
9. It is our assertion that Inuit parents, children and communities have a right to education in Inuktitut and in an Inuit cultural context and the right to manage and direct that education.
10. We assert that, following on the same foundation, DEAs have a right to make decisions affecting the education of children in our own languages and communities.
11. Community (DEA) authority must include everything from school management, program design, budgets, school calendars, adopting or designing curriculum, hiring and renewing ALL staff, bilingual education, school discipline, early childhood education, adult education and all the authorities in what is currently the 2008 Education Act.
12. Where these authorities are not directly controlled by the DEA they need to be controlled by assignment or agreement of the DEA, which could authorize their exercise only under Inuit and community scrutiny.

TAB 7: BALANCE OF RESPONSIBILITIES

DEA

SCHOOL PROGRAM

PART TIME STAFF

PRINCIPAL REPORTS

INUIT QAUJIMATUQANGIT

CALENDAR

ENROLLMENT & ATTENDANCE

Department

Hiring, Evaluation & Discipline

Regulations & Directions to Staff

TEACHER TRAINING & QUALIFICATION

PRINCIPALS, VP and TEACHERS

INUIT QAUJIMATUQANGIT

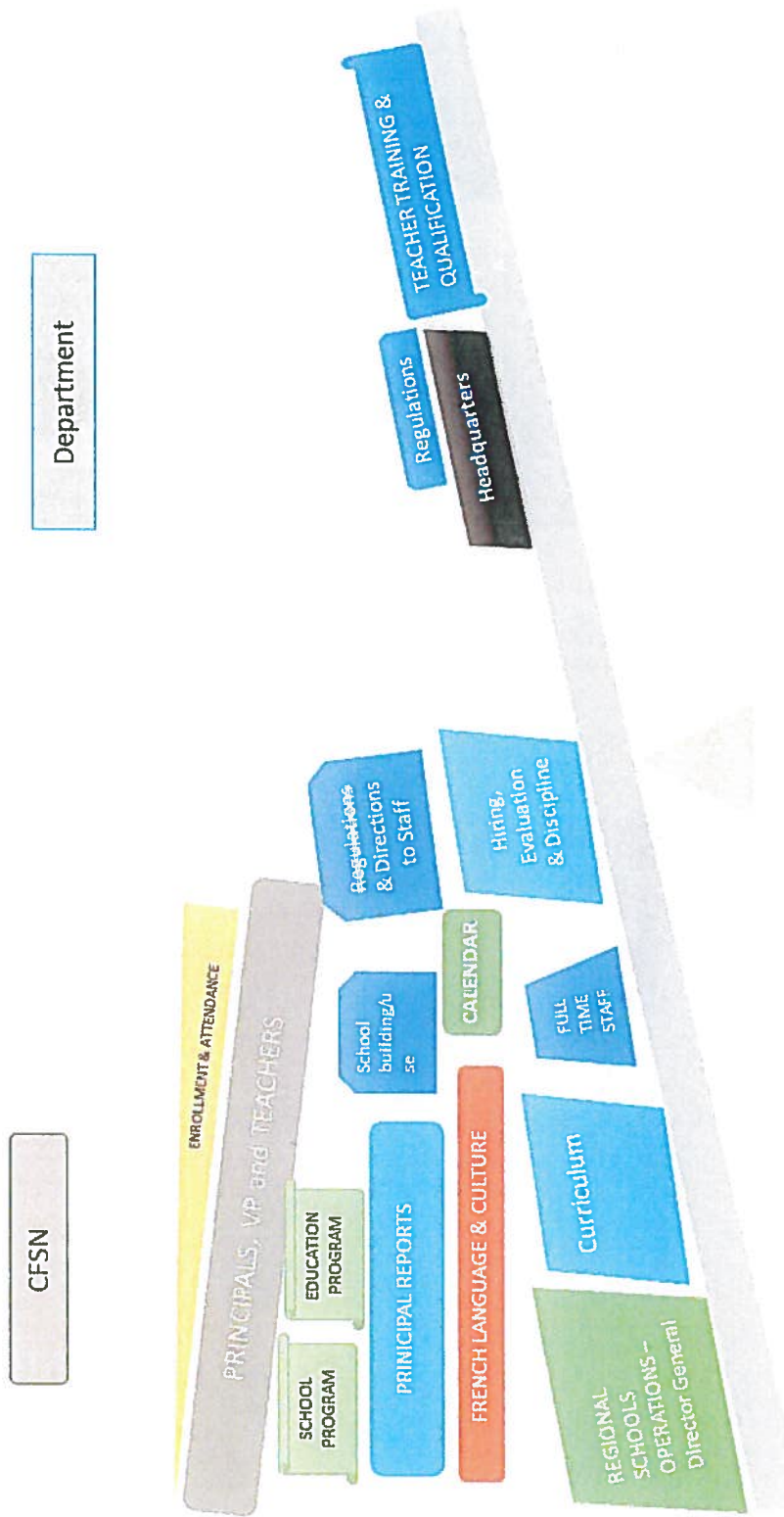
DEPUTY MINISTER and Headquarters

REGIONAL SCHOOLS OPERATIONS

# K-12 Education in Nunavut

## Education Act (2008)

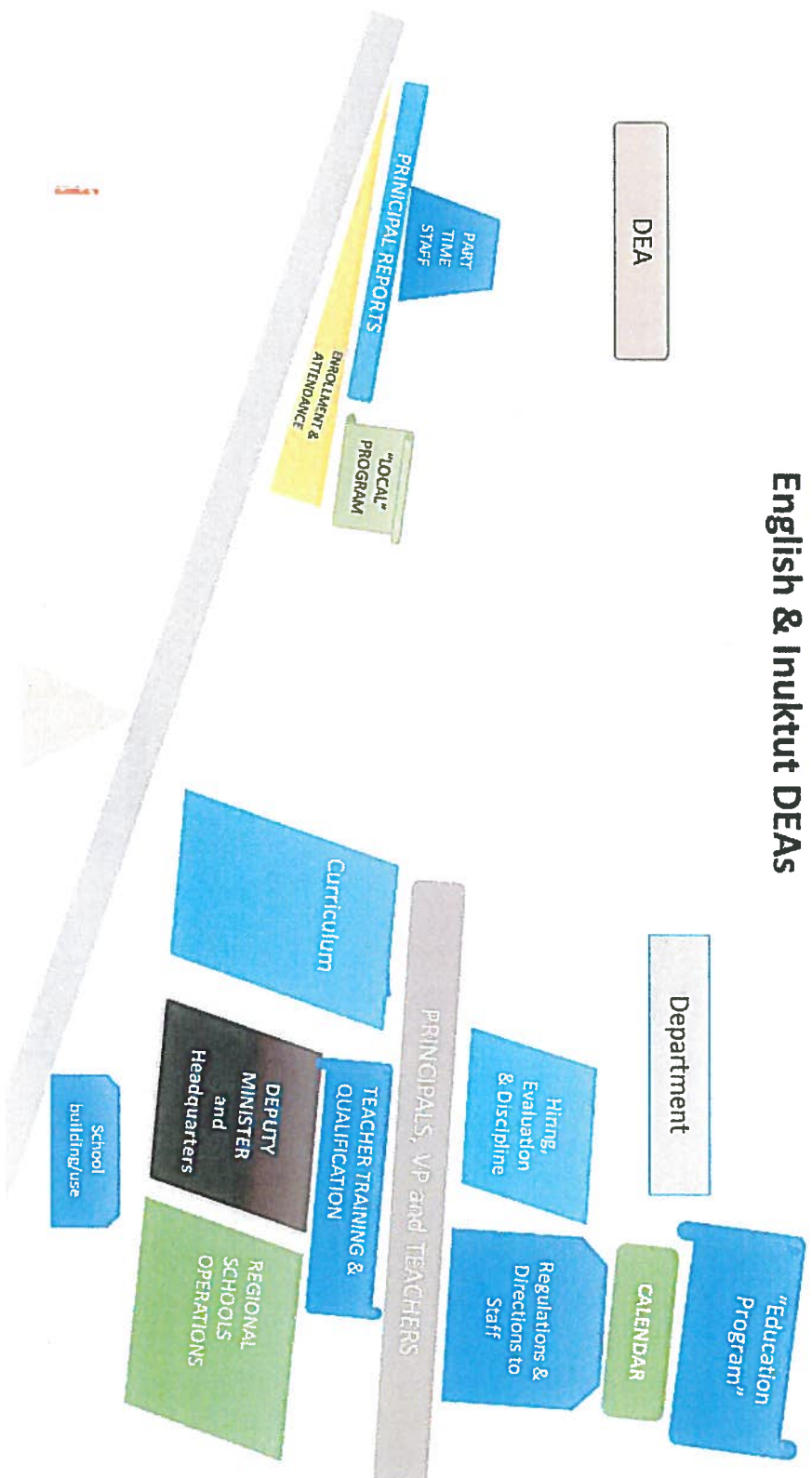
### Francophone *Commission scolaire*



# PROPOSED Education in Nunavut

Based on BILL 25

## English & Inuktitut DEAs



Nunavut Teachers' Association Response to Bill 25  
Building on the Past, Guiding the Future  
September 13, 2019





# Nunavut Teachers' Association

## Introduction

The Nunavut Teachers' Association is an important stakeholder in Nunavut's Education system, as the voice of K – 12 teachers throughout the territory. As such, we are taking advantage of the opportunity to add our point of view in the discussion on proposed changes to the Education Act of Nunavut.

In this document, you'll notice we have only responded to certain proposals for change. We have not made comment when we are in agreement with the changes being proposed. We have only made comment on those changes or proposals we disagree with. Any proposed changes not mentioned in this document, we are in agreement with. NTA commentary is provided in italicized font.



# Nunavut Teachers' Association

## Table of Contents

<b><i>Introduction .....</i></b>	<b><i>2</i></b>
<b><i>Subpart 2: Education Program and Local Community Programs.....</i></b>	<b><i>4</i></b>
<b><i>Subpart 3: Languages of Instruction .....</i></b>	<b><i>8</i></b>
<b><i>Subpart 4: Inclusive Education .....</i></b>	<b><i>9</i></b>
<b><i>Subpart 5: Education Staff .....</i></b>	<b><i>10</i></b>
<b><i>Subpart 6: District Education Authorities .....</i></b>	<b><i>11</i></b>
<b><i>Subpart 9: Other Substantive Amendments .....</i></b>	<b><i>12</i></b>



# Nunavut Teachers' Association

## Subpart 2: Education Program and Local Community Programs

27. Section 14 is repealed and replaced by:

### Principal's report

14. A principal shall, in accordance with the regulations, report quarterly to the district education authority and the Minister on the effectiveness of

- (a) the local community program;
- (b) the education program; and
- (c) the school improvements plan developed under section 20.

*The Nunavut Teachers' Association is not supportive of the proposed amendments to Section 14. Currently, Principals report twice per academic year on the Education Program Plan for their school. Apart from that, Principals meet monthly with their local District Education Authority, and are in communication with their Superintendent/ Executive Director on a regular basis. Adding two more formal reports per academic year to the workload of the Principal does not increase accountability, it merely increases their workload.*



# Nunavut Teachers' Association

## 29. Section 17 is repealed and replaced by:

### Early childhood programs

17. (1) A district education authority that has made an election under paragraph (4)(a)
- (a) shall provide an early childhood program that promotes fluency in the Inuit Language and knowledge of Inuit culture; and
  - (b) may provide other early childhood programs.

### Election

- (4) Every fifth school year, a district education authority shall, after consultation with the community, elect to either
- (a) provide early childhood education programs for the five school years following the school year in which the election is made; or
  - (b) not provide early childhood education programs for the five school years following the school year in which the election is made.

### Default election

- (5) A district education authority that fails to make an election in accordance with subsection (4) is deemed to have elected to not provide early childhood education programs.

### Limit on election

- (6) A district education authority may not change its election under subsection (4) at times other than those provided for in that subsection.

### Minister may provide programs

- (7) For greater certainty, the Minister may provide early childhood programs in schools through agreements with third parties.

### *Child Day Care Act*

- (8) The *Child Day Care Act* applies to programs provided under this section.

### Regulations

- (9) The Commissioner in Executive Council may make regulations respecting programs provided under subsection (1), including regulations related to the content and standards for the delivery of the programs.

*Early Childhood Education programming should be universal, publicly funded and directed by the Department of Education, and delivered by qualified, bilingual Early Childhood Education teachers who are Government of Nunavut Employees. The proposed amendment would make Early Childhood Education programming inequitable across our communities, and place further burden on our District Education Authorities.*



## Nunavut Teachers' Association

### **31. Section 20 and the heading preceding it are repealed and replaced by:**

Education program plans

20.1. (1) Before September 30 of each school year, a principal shall, in accordance with the directions of the Minister, develop an education program plan for the school year that covers the delivery of the education program, including, for greater certainty, local education program enhancements, and includes

(c) the names of all education staff, and any information regarding their certification as required by direction of the Minister.

*The Minister of Education already has access to teacher certification information, through the Teacher Registrar. Conversely, Principals do not have access to detailed teacher certification information.*



## Nunavut Teachers' Association

### 32. Subsection 74(1) is repealed and replaced by:

Nunavut-wide assessments

74. (1) The Minister

- (a) shall establish and maintain a program of Nunavut-wide assessments to assess the literacy of students in each language of instruction and their numeracy skills; and
- (b) may establish and maintain a program of Nunavut-wide assessments to assess other learning outcomes provided for in the curriculum established by the Minister.

*NTA proposes the following additions to the amendment:*

74. (1) The Minister, **with input from Nunavut teachers**

- (a) shall establish and maintain a program of **relevant** Nunavut-wide assessments to assess the literacy of students in each language of instruction and their numeracy skills; and
- (b) may establish and maintain a program of **relevant** Nunavut-wide assessments to assess other learning outcomes provided for in the curriculum established by the Minister.





# Nunavut Teachers' Association

## Subpart 3: Languages of Instruction

*NTA supports the move to a decision making model based on teaching capacity in Inuktitut instruction and the annual reporting required of the Minister.*

*The accuracy of the timelines for implementation found in the Schedule to the Act in Section 43 are questionable. The Department of Education should provide evidence and research to Members and the public that support their proposed implementation dates.*



# Nunavut Teachers' Association

## Subpart 4: Inclusive Education

### **45. Subsection 3(1) is amended by adding the following definition in alphabetical order:**

"student support teacher" means a teacher who provides in-school support to other teachers as they plan, deliver and evaluate education programming, including individual student support plans;

*Student Support Teachers should take a lead role in the development and implementation of Individual Student Support Plans. This is the common practice in our schools. Student Support Teachers receive specialized training that gives them the capacity to fulfill these duties. This proposed change would drastically increase the workload of classroom teachers, and would reduce the specialized services available to students.*

*Under the new proposals on inclusive education, the "main teacher" responsible for a student has now taken on the liaison role between the parents, school administration, school team, and the student. This is in addition to their regular duties and responsibilities as a teacher.*

*If a teacher were to have a number of students on Individual Student Support Plans, the series of tasks related to these plans, their development, approval, and possible review process has the potential to be a great increase on the workload of individual teachers, who may or may not have expertise or training in areas of support for students with special needs.*

*It seems that unfortunately Bill 25 does not purport to involve any experts in the areas of student needs and accommodations unless the ISSP has reached the review board. It is important for Nunavut teachers, especially those who may not have specific training regarding students with special needs, have the connection and support they need in order to develop, implement, and evaluate any ISSPs that may be required for their students.*

*It should also be noted that Bill 25 takes much of the planning for individual students away from the school team, and places that work on the main teacher, while still leaving decisions on student promotion solely in the hands of the school team.*

*Classroom teachers are not always trained specialists in matters related to students with special needs. It is disheartening to see the plan laid out in Bill 25 for Individual Student Support plans that puts the responsibility solely on the shoulders of classroom teachers, and does not seem to involve experts unless the process gets to a review board stage, where there may not be any opportunity for collaboration, and at which point, relationships between teachers, administration, the school team, and parents may have already been damaged.*

*It is NTA's position that the role of the Student Support Teacher as a leader in the planning process for Individual Student Support plans needs to remain as is, and that these duties should not all be assigned to the "main teacher" of the student.*



# Nunavut Teachers' Association

## Subpart 5: Education Staff

*During consultations on “Our Goals for Education,” there was a proposal that the Department of Education, as the Employer, take the lead on administration of Principal and Vice Principal contracts.*

The Department of Education will administer principal and vice-principal appointment-reappointment panels. Principals and vice-principals are government employees and members of the Nunavut public service. As such, the Minister of Education is ultimately responsible for meeting the appointment-reappointment obligations under the *Public Service Act* and the GN Human Resources Manual. DEAs will still be able to appoint one of their members to all appointment panels.

*NTA was in favour of this change, with the inclusion of a DEA member on the decision making panel. We are disappointed that this proposal has not been carried over into Bill 25.*



# Nunavut Teachers' Association

## Subpart 6: District Education Authorities

*Sections 107 and 108 of the Education Act should have the Department of Education be the authority on Principal and Vice Principal appointments, reappointments and dismissals.*



# Nunavut Teachers' Association

## Subpart 9: Other Substantive Amendments

*There are already significant challenges facing Nunavut educators regarding individual student supports, resources and planning, differentiated instruction, and class composition. It is the opinion of the Nunavut Teachers' Association that students over 21 years of age should be included in educational opportunities provided by the Government of Nunavut for adults, and should not be included in the K – 12 classroom setting.*



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Uqauhinut Kamisinaup Havakvia Nunavunmi  
Office of the Languages Commissioner of Nunavut  
Bureau du commissaire aux langues du Nunavut

September 13, 2019

Sent by e-mail: [submissions@assembly.nu.ca](mailto:submissions@assembly.nu.ca)

Mr. John Main, MLA  
Chair, Standing Committee on Legislation  
Legislative Assembly of Nunavut  
P.O. Box 1200  
Iqaluit, Nunavut X0A 0H0

**RE: Bill 25 - Submission to the Standing Committee on Legislation**

Sir,

We are pleased to submit to you the Office of the Languages Commissioner's comments on Bill 25, an Act to Amend the *Education Act* and the *Inuit Language Protection Act*.

Translation of this letter and the submission into Inuktitut, Inuinnaqtun and French will follow.

Thank you for this opportunity to participate in the review of the *Education Act*.

Respectfully,

On behalf of the Languages Commissioner,

Francine Lantin  
Director of Strategic Planning and Policy

Encl. Submission on Bill 25

cc: Helen K. Klengenberg, Languages Commissioner





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Uqauhinut Kamisinaup Havakvia Nunavunmi  
Office of the Languages Commissioner of Nunavut  
Bureau du commissaire aux langues du Nunavut

## **THE *EDUCATION ACT* REVIEW**

### **BILL 25**

**An Act to Amend the *Education Act*  
and the *Inuit Language Protection Act***

**SUBMISSION TO THE STANDING COMMITTEE ON LEGISLATION**

September 13, 2019

## 1. INTRODUCTION

In 2018, the Department of Education developed a proposal outlining amendments to the *Education Act* and the *Inuit Language Protection Act*. Once Cabinet approved the proposal, the Department travelled across Nunavut to hear from Nunavummiut about the amendments it is considering. We submitted our comments on the proposed amendments to the Department of Education on December 14, 2018.

Then, Bill 25 was introduced by the Minister of Education and received a second reading in the Legislative Assembly on June 5, 2019.

In preparing this submission, we have considered the *Constitution Act, 1982* (“Constitution”), the *Nunavut Land Claims Agreement* (“NLCA”), the *Education Act*, the *Nunavut Act*, the *Inuit Language Protection Act* (“ILPA”), the *Official Languages Act* (“OLA”), the federal *Indigenous Languages Act*, the *United Nations Declaration on the Rights of Indigenous Peoples* (“UNDRIP”), the *United Nations Convention on the Rights of the Child*, and relevant case law.

We have focussed primarily on the Constitutional law and rights arguments. Administrative law principles no longer offer a strong basis for challenging the law-making process.

## 2. BACKGROUND

Bill 25 is now before the Legislative Assembly. Some changes have been seen since the first amendments were proposed. For example, the right to receive Inuit language instruction was initially to be quantified by the inclusion of the word “majority”. Likewise, the latest version of Bill 25 provides for the possibility to have Inuit language instruction in schools under the Commission scolaire francophone. These are clear improvements.

Nevertheless, through Bill 25, the Government of Nunavut proposes to significantly delay even further the implementation of Inuit language instruction. The Government invokes the lack of Inuktitut-speaking teachers as one of the reasons for imposing another delay, despite the number of years that have already passed without any real efforts being made to address the lack of resources needed to implement Inuit language instruction.

Section 8 of the *Inuit Language Protection Act* (ILPA) grants parents the right to have their children receive Inuit language instruction. The Government of Nunavut must respect the Inuit Qaujimajatuqangit or values when *inter alia* designing the program, competency tests and the Inuit language curriculum.

Bill 25 proposes to add subsections 8(3) and 8(4) that would qualify the above right to Inuit language instruction. Going forward, grades 4 to 12 Inuit language instruction would be phased in according to the Schedule to the *Education Act*. The implementation of section 8 rights would be delayed for all grades for Inuit Language Arts as follows:

## **Inuit Language Arts – Inuktitut as a first language**

### **Grade Application date**

Grade 4:	July 1, 2026
Grade 5:	July 1, 2028
Grades 6-8:	July 1, 2033
Grade 9:	July 1, 2035
Grade 10:	July 1, 2036
Grade 11:	July 1, 2038
Grade 12:	July 1, 2039

## **Inuit Language Arts – Inuktitut as a second language**

### **Grade Application date**

Grade 4:	July 1, 2028
Grade 5:	July 1, 2030
Grades 6-9:	July 1, 2031
Grade 10:	July 1, 2032
Grade 11:	July 1, 2033
Grade 12:	July 1, 2034

## **Inuit Language Arts – Inuinnaqtun**

### **Grade Application date**

Grade 4:	July 1, 2030
Grade 5:	July 1, 2032
Grades 6-9:	July 1, 2034
Grade 10:	July 1, 2035
Grade 11:	July 1, 2036
Grade 12:	July 1, 2037

## **3. ANALYSIS**

### **3.1. Constitutional Rights**

Section 35 of the Constitution recognizes and affirms the existing aboriginal and treaty rights of the aboriginal peoples of Canada. The Supreme Court of Canada has explained that the content of aboriginal rights must be directed at fulfilling the purposes of section 35, which are, first, to recognize the fact that, prior to the arrival of Europeans in North America, the land was already occupied by distinctive aboriginal societies, and, second, to reconcile that prior occupation with the assertion of Crown sovereignty over Canadian territory.<sup>1</sup> The Court set out the following test: “In order to be an aboriginal right, an activity must be an element of a practice, custom or tradition integral to the distinctive culture of the aboriginal group claiming the right.”<sup>2</sup> Inuit language is clearly an element of practices, customs and traditions integral to distinctive Inuit culture.

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<sup>1</sup> *R. v. Van der Peet*, [1996] 2 SCR 507 at para 43.

<sup>2</sup> *Idem*, para 46.

The courts have long distinguished between aboriginal rights and treaty rights. Slatter J.A. of the Nunavut Court of Appeal held in *Nunavut Tunngavik Inc. v. Canada (Attorney General)* that the Government of Canada did not have parallel fiduciary duties in relation to rights codified in Article 12.7.6 of the NLCA.<sup>3</sup> However, Article 32, which deals with social and cultural programs and services, is worded differently than the provision that was at issue before the Court of Appeal. Article 32.1.1 clearly states that it does not limit any rights of the Inuit to participate in the development and the design of social and cultural programs and services or any obligations of government outside of the agreement.<sup>4</sup>

Moreover, in the *Indigenous Languages Act*, the federal government explicitly recognized that “the rights of Indigenous peoples recognized and affirmed by section 35 of the *Constitution Act, 1982* include rights related to Indigenous languages.”<sup>5</sup> This is in keeping with UNDRIP (*United Nations Declaration on the Rights of Indigenous Peoples*) which, even though it has not been ratified by Canada, can be used to help interpret Canadian law.<sup>6</sup> As discussed further below, UNDRIP explicitly sets out rights and corresponding obligations relating to Indigenous languages, including the right of Indigenous peoples to transmit their languages to future generations.<sup>7</sup>

Therefore, there is no basis for a finding that Inuit gave up their social and cultural rights in exchange for the rights in the NLCA. In addition, the Supreme Court of Canada has clearly stated that considerations of reconciliation and the honour of the Crown continue to apply even after a treaty is concluded.

### **3.2. Affirmation of Inherent Linguistic Rights**

The preamble to the ILPA affirms that the Inuit of Nunavut have an inherent right to the use of the Inuit language, that positive action is necessary to protect and promote the Inuit language and Inuit cultural expression, and that this is consistent with Canada’s international undertakings.<sup>8</sup> The preamble to the OLA contains similar wording, but adds that the Inuit have an inherent right to the use of the Inuit language in full equality with the other official languages of Nunavut.<sup>9</sup>

These statements do not create a right or a duty to take positive action. Rather, they affirm the already-existing Inuit language rights and corresponding obligations on the Government of Nunavut, and they signal the intention of the Government of Nunavut to safeguard and nurture these linguistic rights. Similarly, section 8 of the *Inuit Language Protection Act* merely codifies the right to receive Inuit language instruction and the corresponding obligations that already exist.

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<sup>3</sup> *Nunavut Tunngavik Inc. v. Canada (Attorney General)*, 2014 NUCA 2 at para 99.

<sup>4</sup> *Nunavut Land Claims Agreement*, Art. 32.1.1.

<sup>5</sup> *Indigenous Languages Act*, SC 2019, c 23, s 6.

<sup>6</sup> *Laliberte v Canada (Attorney General)*, 2019 FC 766 at para 56.

<sup>7</sup> *United Nations Declaration on the Rights of Indigenous Peoples*, Art. 13.

<sup>8</sup> *Inuit Language Protection Act*, S Nu 2008, c 17, Preamble.

<sup>9</sup> *Official Languages Act*, S Nu 2008, c 10, Preamble.

The Government of Nunavut has affirmed this right in its submission to the United Nations Office of the High Commissioner of Human Rights in the context of a study on the role of languages and culture in the promotion and protection of the rights and identity of Indigenous peoples. The Government of Nunavut stated that its language legislation “provides Inuit in Nunavut with a clear statement of their inherent right to the use of the Inuit Language in full equality with English and French languages.”<sup>10</sup> The Government of Nunavut affirmed that “[f]rom healthcare and education programs to public service recruitment and justice services, myriad federal and territorial governmental functions must be given effect in the Inuit language and through the rich and time-worn cultural filters of the Inuit people.”<sup>11</sup> In addition, the Government of Nunavut acknowledged that “the Inuit language constitutes the banner under which the indigenous people of Nunavut exercise” their rights under Article 5 and Article 13 of UNDRIP.<sup>12</sup>

Article 5 of UNDRIP provides that “Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.”<sup>13</sup>

Article 13 of UNDRIP affirms Indigenous peoples’ language rights and requires governments to take effective measures to ensure these rights are protected:

*Article 13*

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.<sup>14</sup> (*emphasis added*)

In addition to the above rights, which the Government of Nunavut expressly acknowledged in its submission to the United Nations, UNDRIP also describes rights and corresponding obligations in the area of education:

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<sup>10</sup> *Government of Nunavut observations on the role of languages and culture in the promotion and protection of the rights and identity of Inuit*, Submission of the Territory of Nunavut, Canada to the OHCHR Indigenous Language and Culture Study, <https://www.ohchr.org/Documents/Issues/IPeoples/EMRIP/StudyLanguages/Nunavut.pdf>, at para 6.

<sup>11</sup> *Idem*, para 11.

<sup>12</sup> *Idem*, para 3.

<sup>13</sup> *United Nations Declaration on the Rights of Indigenous Peoples*, Art. 5.

<sup>14</sup> *Idem*, Art. 13.

#### Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, *inter alia*, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.<sup>15</sup> (*emphasis added*)

Read as a whole, these UNDRIP provisions ground the argument that language is the clearest expression of culture, that the right to use, transmit and develop Indigenous languages is an inherent Indigenous right and that governments have an obligation to ensure the survival, sustainability and enhancement of Indigenous languages.

There are similar rights in other international covenants, as the Government of Nunavut has acknowledged in the preambles to the ILPA and the OLA. For example, Article 30 of the *United Nations Convention on the Rights of the Child* provides as follows:

#### Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.<sup>16</sup> (*emphasis added*)

Article 4 of this Convention provides that States Parties must undertake measures to implement these rights to the maximum extent of their available resources:

#### Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.<sup>17</sup> (*emphasis added*)

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<sup>15</sup> *Idem*, Art. 21

<sup>16</sup> *United Nations Convention on the Rights of the Child*, Art. 30.

<sup>17</sup> *Idem*, Art. 4

Canada made the following Statement of Understanding when it ratified this Convention in 1991:

"It is the understanding of the Government of Canada that, in matters relating to aboriginal peoples of Canada, the fulfilment of its responsibilities under article 4 of the Convention must take into account the provisions of article 30. In particular, in assessing what measures are appropriate to implement the rights recognized in the Convention for aboriginal children, due regard must be paid to not denying their right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion and to use their own language."<sup>18</sup>

Browne J. of the Nunavut Court of Justice cited this Statement in *J.S. v. Nunavut (Minister of Health and Social Services)*, and noted that culture, language, and community are important considerations in assessing the minimum requirements for service to youth.<sup>19</sup>

In short, the right to the use of the Inuit language, including the right to Inuit language instruction, is an inherent right, and it does not depend on section 8 of the ILPA. Thus, any provision purporting to delay the application of section 8 are contrary to the inherent language rights held by the Inuit.

The provisions of subsection 8(2) set out certain modalities for the exercise of the right to Inuit language instruction. These modalities guide the Government of Nunavut in fulfilling its obligations, which flow from this inherent right, in a manner that is consistent with its obligations under the Constitution and international commitments. However, subsection 8(2) does not create these obligations. This is discussed further below.

In the context of Bill 25, the recognition of Indigenous language as an inherent Indigenous right bolster our position that the Government of Nunavut has ignored its obligations thereunder to take steps to ensure the full exercise of the linguistic rights of the Inuit of Nunavut.

### **3.3. The Inherent Right Carries a Corresponding Obligation**

As noted above, the preambles to the OLA and the ILPA affirm that positive action is necessary to protect and promote the Inuit language and Inuit cultural expression. This is also clear from UNDRIP and from Article 4 of the *Convention on the Rights of the Child*.

Courts have also recognized that governments have a duty to take positive steps to implement language guarantees. In *R. v. Beaulac*, Bastarache J. made the following comments on behalf of a majority of the Supreme Court of Canada:

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<sup>18</sup> Office of the United Nations High Commissioner for Human Rights. *Convention on the Rights of the Child* New York, 20 November 1989.

<sup>19</sup> *J.S. v. Nunavut (Minister of Health and Social Services)*, 2006 NUCJ 20 at paras 26-27.



Language rights are not negative rights, or passive rights; they can only be enjoyed if the means are provided. This is consistent with the notion favoured in the area of international law that the freedom to choose is meaningless in the absence of a duty of the State to take positive steps to implement language guarantees.<sup>20</sup>

In *Mahe v. Alberta*, the Supreme Court of Canada held that section 23 of the Charter essentially “mandates that governments do whatever is practical in the situation to preserve and promote minority language education.”<sup>21</sup> Since the OLA provides that the Inuit language has equality of status with English and French, the same considerations should apply to the Inuit language in Nunavut.<sup>22</sup>

In *Doucet-Boudreau v Nova Scotia (Minister of Education)*, the Supreme Court of Canada upheld an order that required provincial authorities to use their best efforts to provide school facilities and programs by specific dates. The Court explained that delay must not be tolerated in the implementation of language rights, because it can create a situation in which there are no Inuit language speakers left to invoke such rights:

Another distinctive feature of the right in section 23 is that the “numbers warrant” requirement leaves minority language education rights particularly vulnerable to government delay or inaction. For every school year that governments do not meet their obligations under section 23, there is an increased likelihood of assimilation which carries the risk that numbers might cease to “warrant”. Thus, particular entitlements afforded under section 23 can be suspended, for so long as the numbers cease to warrant, by the very cultural erosion against which section 23 was designed to guard. In practical, though not legal, terms, such suspensions may well be permanent. If delay is tolerated, governments could potentially avoid the duties imposed upon them by section 23 through their own failure to implement the rights vigilantly. The affirmative promise contained in section 23 of the Charter and the critical need for timely compliance will sometimes require courts to order affirmative remedies to guarantee that language rights are meaningfully, and therefore necessarily promptly, protected.<sup>23</sup> (*emphasis added*)

The situation in Nunavut is similar to the “urgent context” that the Supreme Court of Canada described in *Doucet-Boudreau*.<sup>24</sup> In 2006, Thomas Berger prepared a report for the Government of Canada in his capacity as Conciliator in NLCA implementation negotiations. In this report, he explained that a comprehensive program of bilingual education would be required in order to make it possible for Inuit employment levels to reach the standard required under the NLCA:

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<sup>20</sup> *R v Beaulac*, [1999] 1 SCR 768 at para 20.

<sup>21</sup> *Mahe v. Alberta*, [1990] 1 S.C.R. 342 at 366, cited in *Conseil scolaire francophone de la Colombie-Britannique v. British Columbia*, 2018 BCCA 305 at para 2.

<sup>22</sup> *Official Languages Act*, S Nu 2008, c 10, s 3.

<sup>23</sup> *Doucet-Boudreau v Nova Scotia (Minister of Education)*, [2003] 3 SCR 3 at para 29.

<sup>24</sup> *Idem*, para 40.

Article 23, which deals with employment, cannot be discussed intelligently without discussing education. The schools are supposed to equip students with the skills to obtain employment. But in Nunavut they have not produced an adequate pool of qualified Inuit. The schools are failing. They are not producing graduates truly competent in Inuktitut; moreover, the Inuit of Nunavut have the lowest rate of literacy in English in the country.

At the meetings we have had, it has become obvious that the *status quo* is unacceptable, that a strong program of bilingual education must be adopted.<sup>25</sup>

He went on to explain that the switch from Inuktitut to English as the language of instruction in grades 4 and 5 was causing significant problems:

The Government of Nunavut in 1999 inherited from the old Northwest Territories a school curriculum which, while ostensibly bilingual, emphasized English at the expense of Inuktitut. The system is not working.

Today in Nunavut, Inuktitut is the language of instruction from kindergarten through Grades 3/4. In Grades 4/5 Inuktitut is abandoned as a language of instruction, and Inuit children are introduced to English as the sole language of instruction. Many of them can converse in English. But they can't write in English, nor are their English skills sufficiently advanced to facilitate instruction in English. In Grade 4, they are starting over, and they find themselves behind. Their comprehension is imperfect; it slips and as it does they fall further behind. By the time they reach Grade 8, Grade 9 and Grade 10, they are failing (not all of them, to be sure, but most of them). This is damaging to their confidence, to their faith in themselves. For them, there has been not only an institutional rejection of their language and culture, but also a demonstration of their personal incapacity. The Inuit children have to catch up, but they are trying to hit a moving target since, as they advance into the higher grades, the curriculum becomes more dependent on reading and books, more dependent on a capacity in English that they simply do not have.

In Nunavut, this reinforces the colonial message of inferiority. The Inuit student mentally withdraws, then leaves altogether.

In such a system, Inuktitut is being eroded. Of course, language is only one element of identity, but it is a huge one.

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<sup>25</sup> THOMAS BERGER, *Conciliator's Final Report, "The Nunavut Project": Nunavut Land Claims Agreement Implementation Contract Negotiations for the Second Planning Period 2003 – 2013*. Submitted to Indian and Northern Affairs Canada March 1, 2006, [https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/nlc\\_1100100030983\\_eng.pdf](https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/nlc_1100100030983_eng.pdf), at iv.

The drop out rate is linked to Nunavut's unhappy incidence of crime, drugs and family violence. Ejetsiak Peter, chairman of the Cape Dorset District Education Authority, summed it up for me through an interpreter: "The children who drop out have not developed the skills to live off the land, neither do they have employment skills. So they are caught between two worlds."<sup>26</sup>

Thus, there is an urgent need for the Government of Nunavut to take positive steps to provide a strong program of bilingual education through grade 12, as set out in section 8 of the ILPA. Section 8 describes this obligation, but it does not create the obligation. By purporting to suspend the application of section 8, Bill 25 might give the Government of Nunavut false comfort that it does not need to do the things described in subsection 8(2). It might also make it more difficult for an Auditor General to describe specific ways in which the Government of Nunavut is falling short of its obligations. But it would not remove the obligation itself.

#### 4. CONCLUSION

Bill 25 proposes to delay the application of the section 8 *Inuit Language Protection Act* (ILPA) provisions dealing with the right to Inuit language instruction and the obligation on the Government of Nunavut to provide that instruction. Generally speaking, the legislature enjoys broad powers to make law or change it. Interfering with that prerogative is difficult and does not offer the Office of the Languages Commissioner a strong response to the proposed amendments.

However, the Inuit of Nunavut have an inherent right to Inuit language instruction, which is protected under section 35 of the Constitution. This right exists regardless of whether it is stipulated in the ILPA. The Government of Nunavut's obligations flow from that section 35 right, and they subsist despite any stipulation to the contrary in the *Inuit Language Protection Act* (ILPA).

Therefore, provisions of Bill 25 that purport to delay the implementation of Inuit language instruction are a violation of the inherent Indigenous language rights of the Inuit. Moreover, the delay is a breach of the duty on all governments subscribing to international conventions, like UNDRIP, to take steps to protect those linguistic rights. Moreover, the proposed phased implementation is arguably a violation of the Constitutional law rights of the Inuit because they would essentially deny generations of Inuit the exercise of their language rights.

The right to Inuit language education exists regardless of whether it is codified in section 8 of the ILPA. The provisions of Bill 25 that purport to delay the application of section 8 constitute a breach of the inherent Indigenous language rights enjoyed by all Inuit. By delaying the implementation of Inuit language instruction, the Government of Nunavut is ignoring its corresponding duty to take positive steps to enable Inuit to exercise this right.

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<sup>26</sup> *Idem*, at v.



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Uqauhinut Kamisinaup Havakvia Nunavunmi  
Office of the Languages Commissioner of Nunavut  
Bureau du commissaire aux langues du Nunavut

Le 13 septembre 2019

Par courriel: [submissions@assembly.nu.ca](mailto:submissions@assembly.nu.ca)

Monsieur John Main, député  
Président, Comité permanent de la législation  
Assemblée législative du Nunavut  
C. P. 1200  
Iqaluit (Nunavut) X0A 0H0

**Objet : Projet de loi n° 25 – Mémoire au Comité permanent de la législation**

Monsieur,

Nous sommes heureux de vous présenter les commentaires du Bureau du commissaire aux langues du Nunavut sur le projet de loi n° 25, Loi modifiant la Loi sur l'éducation et la Loi sur la protection de la langue inuit.

Merci de nous permettre de participer à l'examen de la Loi sur l'éducation.

Je vous prie d'agréer, Monsieur, l'expression de mes sentiments distingués,

La directrice de la planification stratégique et des politiques,

Francine Lantin  
Pour la commissaire aux langues

p. j. Mémoire sur le projet de loi n° 25

c. c. Helen K. Klengenber, commissaire aux langues



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Uqauhinut Kamisinaup Havakvia Nunavunmi  
Office of the Languages Commissioner of Nunavut  
Bureau du commissaire aux langues du Nunavut

## **EXAMEN DE LA LOI SUR L'ÉDUCATION**

### **PROJET DE LOI N° 25**

**Loi modifiant la Loi sur l'éducation  
et la Loi sur la protection de la langue inuit**

## **MÉMOIRE AU COMITÉ PERMANENT DE LA LÉGISLATION**

13 septembre 2019

## 1. INTRODUCTION

En 2018, le ministère de l'Éducation a préparé un projet de modification de la Loi sur l'éducation et de la Loi sur la protection de la langue inuit. Après son approbation par le Conseil des ministres, le projet a été présenté aux quatre coins du Nunavut. Le but : savoir ce qu'en pensaient les Nunavummiut. Nous avons pour notre part soumis nos commentaires au ministère le 14 décembre 2018.

S'est ensuivi le dépôt du projet de loi n° 25, qui en était à la deuxième lecture à l'Assemblée législative le 5 juin 2019.

Pour rédiger le présent mémoire, nous nous sommes référés à la Loi constitutionnelle de 1982, à l'Accord sur les revendications territoriales du Nunavut (« ARTN »), à la Loi sur l'éducation, à la Loi sur le Nunavut, à la Loi sur la protection de la langue inuit (« LPLI »), à la Loi sur les langues officielles (« LLO »), à la Loi sur les langues autochtones (Canada), à la Déclaration des Nations Unies sur les droits des peuples autochtones (« DNUDPA »), à la Convention relative aux droits de l'enfant des Nations Unies et à la jurisprudence pertinente.

Nous avons surtout mis l'accent sur le droit constitutionnel et la défense des droits. Les principes du droit administratif ne constituent désormais plus un fondement solide pour remettre en question le processus législatif.

## 2. CONTEXTE

Le projet de loi n° 25 est maintenant devant l'Assemblée législative. Il a été retravaillé depuis sa rédaction initiale. Par exemple, le droit de recevoir une instruction en langue inuit devait, au départ, être quantifié par l'ajout du mot « majorité ». Ensuite, dans sa dernière version, le projet de loi prévoit la possibilité de recevoir cette instruction aussi dans les écoles relevant de la compétence de la Commission scolaire francophone. Il s'agit d'une nette amélioration.

Néanmoins, avec ce projet de loi, le gouvernement du Nunavut propose de remettre à bien plus tard la mise en œuvre de l'enseignement en langue inuit. Il avance pour justifier ce nouveau report un manque d'enseignantes et d'enseignants parlant l'inuktitut, malgré le nombre d'années déjà écoulées sans effort réel pour combler le manque de ressources nécessaires à l'offre de l'enseignement dans cette langue.

L'article 8 de la LPLI accorde aux parents le droit de faire instruire leur enfant en langue inuit. Le gouvernement du Nunavut doit respecter l'*Inuit Qaujimajatuqangit* ou ses valeurs entre autres lors de la conception des programmes, des tests de compétence et du programme de langue inuit.

Or le projet de loi n° 25 prévoit l'ajout de paragraphes, 8(3) et 8(4), qui qualifieraient ce droit. L'instruction en langue inuit des élèves de la quatrième à la douzième année se ferait par

étapes, en conformité avec l'annexe à la Loi sur l'éducation. L'application des droits de l'article 8 serait reportée pour toutes ces années, comme suit :

### **Cours de langue inuit – Inuktitut langue première**

#### **Date de mise en application par année d'études**

Quatrième année :	1 <sup>er</sup> juillet 2026
Cinquième année :	1 <sup>er</sup> juillet 2028
Sixième à la huitième année :	1 <sup>er</sup> juillet 2033
Neuvième année :	1 <sup>er</sup> juillet 2035
Dixième année :	1 <sup>er</sup> juillet 2036
Onzième année :	1 <sup>er</sup> juillet 2038
Douzième année :	1 <sup>er</sup> juillet 2039

### **Cours de langue inuit – Inuktitut langue seconde**

#### **Date de mise en application par année d'études**

Quatrième année :	1 <sup>er</sup> juillet 2028
Cinquième année :	1 <sup>er</sup> juillet 2030
Sixième à la neuvième année :	1 <sup>er</sup> juillet 2031
Dixième année :	1 <sup>er</sup> juillet 2032
Onzième année :	1 <sup>er</sup> juillet 2033
Douzième année :	1 <sup>er</sup> juillet 2034

### **Cours de langue inuit – Inuinnaqtun**

#### **Date de mise en application par année d'études**

Quatrième année :	1 <sup>er</sup> juillet 2030
Cinquième année :	1 <sup>er</sup> juillet 2032
Sixième à la neuvième année :	1 <sup>er</sup> juillet 2034
Dixième année :	1 <sup>er</sup> juillet 2035
Onzième année :	1 <sup>er</sup> juillet 2036
Douzième année :	1 <sup>er</sup> juillet 2037

## **3. ANALYSE**

### **3.1. Droits constitutionnels**

L'article 35 de la Loi constitutionnelle reconnaît et confirme les droits existants des peuples autochtones du Canada, qu'ils soient ancestraux ou issus de traités. La Cour suprême du Canada a expliqué que le contenu des droits ancestraux doit servir la réalisation des objets de l'article 35, soit premièrement, reconnaître le fait qu'avant l'arrivée des Européens en Amérique du Nord le territoire était déjà occupé par des sociétés autochtones distinctives, et, deuxièmement, concilier cette occupation antérieure avec l'affirmation par Sa Majesté de sa souveraineté sur le territoire canadien<sup>1</sup>. La Cour a établi le critère suivant : « pour constituer un droit ancestral, une activité doit être un élément d'une coutume, pratique ou tradition faisant

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<sup>1</sup> *R. c. Van der Peet*, [1996] 2 RCS 507, paragr. 43.



partie intégrante de la culture distinctive du groupe autochtone qui revendique le droit en question »<sup>2</sup>. C'est manifestement le cas de la langue inuit.

Les tribunaux font depuis longtemps la distinction entre les droits ancestraux et les droits issus de traités. Le juge d'appel Slatter de la Cour d'appel du Nunavut a jugé, dans l'arrêt *Nunavut Tunngavik Inc. c. Canada (Attorney General)*, que le gouvernement du Canada n'avait pas les obligations fiduciaires correspondant aux droits codifiés à l'article 12.7.6 de l'Accord sur les revendications territoriales du Nunavut (ARTN)<sup>3</sup>. Toutefois, le chapitre 32, qui traite des programmes et services sociaux et culturels, est libellé différemment des dispositions examinées par la Cour d'appel. L'article 32.1.1 énonce clairement qu'il ne restreint pas les droits des Inuit de participer à l'élaboration et à la conception de ces programmes et services ni les obligations du gouvernement en dehors du champ d'application de l'ARTN<sup>4</sup>.

En outre, dans la Loi sur les langues autochtones, le gouvernement du Canada reconnaît explicitement que « les droits des peuples autochtones reconnus et confirmés par l'article 35 de la Loi constitutionnelle de 1982 comportent des droits relatifs aux langues autochtones »<sup>5</sup>. Cela concorde avec la Déclaration des Nations Unies sur les droits des peuples autochtones (DNUDPA) qui, même si elle n'a pas été ratifiée par le Canada, peut éclairer le droit canadien<sup>6</sup>. Comme on le verra plus en détail ci-dessous, la DNUDPA énonce explicitement les droits et les obligations correspondantes relativement aux langues autochtones, notamment le droit des peuples autochtones de transmettre leurs langues aux générations futures<sup>7</sup>.

Par conséquent, rien ne nous permet de conclure que les Inuit ont renoncé à leurs droits sociaux et culturels au profit des droits prévus par l'ARTN. De plus, la Cour suprême du Canada a clairement indiqué que les principes de réconciliation et de l'honneur de la Couronne continuent de s'appliquer même après la conclusion d'un traité.

### **3.2. Affirmation des droits linguistiques inhérents**

Dans le préambule de la LPLI, on affirme que les Inuit du Nunavut ont le droit inhérent d'utiliser la langue inuit, qu'une action positive est nécessaire pour protéger et promouvoir la langue inuit et l'expression culturelle inuit, et que cela est conforme aux engagements internationaux du Canada<sup>8</sup>. Le préambule de la LLO va dans le même sens, et ajoute que les Inuit ont le droit inhérent d'utiliser la langue inuit en pleine égalité avec les autres langues officielles du Nunavut<sup>9</sup>.

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<sup>2</sup> *Idem*, paragr. 46.

<sup>3</sup> *Nunavut Tunngavik Inc. c. Canada (Attorney General)*, 2014 NUCA 2, paragr. 99.

<sup>4</sup> Accord sur les revendications territoriales du Nunavut, art. 32.1.1.

<sup>5</sup> Loi sur les langues autochtones, L.C. 2019, ch. 23, art. 6.

<sup>6</sup> *Laliberte c. Canada (Procureur général)*, 2019 CF 766, paragr. 56.

<sup>7</sup> Déclaration des Nations Unies sur les droits des peuples autochtones, art. 13.

<sup>8</sup> Loi sur la protection de la langue inuit, L.Nun. 2008, ch. 17, préambule.

<sup>9</sup> Loi sur les langues officielles, L.Nun. 2008, ch. 10, préambule.

Ces préambules ne créent ni droit ni obligation de poser une action positive. Ils affirment plutôt les droits qui existent déjà relativement à la langue inuit et les obligations correspondantes du gouvernement du Nunavut, et exposent l'intention de ce dernier de protéger et de faire valoir ces droits linguistiques. De la même façon, l'article 8 de la LPLI ne fait que codifier le droit à l'instruction en langue inuit et les obligations correspondantes qui ont déjà cours.

Le gouvernement du Nunavut a affirmé ce droit dans le mémoire qu'il a préparé pour le Haut-Commissariat des Nations Unies aux droits de l'homme dans le cadre d'une étude sur le rôle des langues et de la culture dans la promotion et la protection des droits et de l'identité des peuples autochtones. Il a écrit que ses lois sur les langues énoncent clairement le droit des Inuit du Nunavut d'utiliser la langue inuit en pleine égalité avec l'anglais et le français<sup>10</sup>, ajoutant qu'il y a d'innombrables services fédéraux et territoriaux – que l'on pense aux soins de santé, à l'éducation, au recrutement dans la fonction publique ou à la justice –, qui doivent être offerts en langue inuit et accordés avec les cultures riches et pérennes des peuples autochtones<sup>11</sup>. Il reconnaît que la langue inuit est la bannière sous laquelle les peuples autochtones du Nunavut exercent les droits prévus aux articles 5 et 13 de la DNUDPA<sup>12</sup>.

L'article 5 de la DNUDPA dit ceci : « Les peuples autochtones ont le droit de maintenir et de renforcer leurs institutions politiques, juridiques, économiques, sociales et culturelles distinctes, tout en conservant le droit, si tel est leur choix, de participer pleinement à la vie politique, économique, sociale et culturelle de l'État<sup>13</sup>. »

L'article 13, quant à lui, affirme les droits linguistiques des peuples autochtones et exige que les États prennent des mesures efficaces pour en garantir la protection.

#### *Article 13*

1. Les peuples autochtones ont le droit de revivifier, d'utiliser, de développer et de transmettre aux générations futures leur histoire, leur langue, leurs traditions orales, leur philosophie, leur système d'écriture et leur littérature, ainsi que de choisir et de conserver leurs propres noms pour les communautés, les lieux et les personnes.

2. Les États prennent des mesures efficaces pour protéger ce droit et faire en sorte que les peuples autochtones puissent comprendre et être compris dans les procédures politiques, juridiques et administratives, en fournissant, si nécessaire, des services d'interprétation ou d'autres moyens appropriés<sup>14</sup>. (C'est nous qui soulignons.)

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<sup>10</sup> Mémoire présenté par le gouvernement du Nunavut au Haut-Commissariat des Nations Unies aux droits de l'homme en réponse à l'étude sur le rôle des langues et de la culture dans la promotion et la protection des droits et de l'identité des peuples autochtones. Sur Internet : <https://www.ohchr.org/Documents/Issues/IPeoples/EMRIP/StudyLanguages/Nunavut.pdf>, paragr. 6.

<sup>11</sup> *Idem*, paragr. 11.

<sup>12</sup> *Idem*, paragr. 3.

<sup>13</sup> Déclaration des Nations Unies sur les droits des peuples autochtones, art. 5.

<sup>14</sup> *Idem*, art. 13.

En plus des droits susmentionnés, que le gouvernement du Nunavut reconnaît expressément dans son mémoire, la DNUDPA décrit aussi les droits et les obligations correspondantes dans le domaine de l'éducation :

*Article 21*

1. Les peuples autochtones ont droit, sans discrimination d'aucune sorte, à l'amélioration de leur situation économique et sociale, notamment dans les domaines de l'éducation, de l'emploi, de la formation et de la reconversion professionnelles, du logement, de l'assainissement, de la santé et de la sécurité sociale.

2. Les États prennent des mesures efficaces et, selon qu'il conviendra, des mesures spéciales pour assurer une amélioration continue de la situation économique et sociale des peuples autochtones. Une attention particulière est accordée aux droits et aux besoins particuliers des anciens, des femmes, des jeunes, des enfants et des personnes handicapées autochtones<sup>15</sup>. (C'est nous qui soulignons.)

Ensemble, ces dispositions de la DNUDPA appuient l'argumentaire voulant que la langue soit l'expression la plus directe de la culture, que le droit d'utiliser, de transmettre et de développer les langues autochtones soit un droit autochtone inhérent, et que les États soient investis du devoir d'assurer la survie, la pérennité et l'avancement de ces langues.

Des droits semblables sont énoncés dans d'autres pactes internationaux, comme le gouvernement du Nunavut en fait état dans les préambules de la LPLI et de la LLO. Par exemple, voici comment se lit l'article 30 de la Convention relative aux droits de l'enfant des Nations Unies :

*Article 30*

Dans les États où il existe des minorités ethniques, religieuses ou linguistiques ou des personnes d'origine autochtone, un enfant autochtone ou appartenant à une de ces minorités ne peut être privé du droit d'avoir sa propre vie culturelle, de professer et de pratiquer sa propre religion ou d'employer sa propre langue en commun avec les autres membres de son groupe<sup>16</sup>. (C'est nous qui soulignons.)

L'article 4 prévoit que les États parties doivent prendre des mesures pour mettre en œuvre ces droits, dans toutes les limites des ressources dont ils disposent.

*Article 4*

Les États parties s'engagent à prendre toutes les mesures législatives, administratives et autres qui sont nécessaires pour mettre en œuvre les droits reconnus dans la présente Convention. Dans le cas des droits économiques, sociaux et culturels, ils

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<sup>15</sup> *Idem*, art. 21.

<sup>16</sup> Convention relative aux droits de l'enfant des Nations Unies, art. 30.

prennent ces mesures dans toutes les limites des ressources dont ils disposent et, s'il y a lieu, dans le cadre de la coopération internationale<sup>17</sup>. (C'est nous qui soulignons.)

Le Canada a fait la déclaration interprétative suivante lorsqu'il a ratifié la Convention, en 1991 :

Le Gouvernement du Canada reconnaît que, en ce qui concerne les questions intéressant les autochtones du Canada, il doit s'acquitter de ses responsabilités aux termes de l'article 4 de la Convention en tenant compte des dispositions de l'article 30. En particulier, en déterminant les mesures qu'il conviendrait de prendre pour mettre en œuvre les droits que la Convention garantit aux enfants autochtones, il faudra s'assurer de respecter leur droit de jouir de leur propre culture, de professer et de pratiquer leur propre religion et de parler leur propre langue en commun avec les autres membres de leur communauté<sup>18</sup>. (C'est nous qui soulignons.)

La juge Browne de la Cour de justice du Nunavut a cité cette déclaration dans l'arrêt *J.S. c. Nunavut (Minister of Health and Social Services)*, indiquant que la culture, la langue et la communauté sont des éléments importants à prendre en compte lors de l'évaluation des exigences minimales de services à la jeunesse<sup>19</sup>.

En somme, le droit d'utiliser la langue inuit, y compris celui d'être instruit dans cette langue, est un droit inhérent, indépendant de l'article 8 de la LPLI. C'est donc dire que toute disposition visant à retarder l'application de cet article contreviendrait aux droits linguistiques inhérents des Inuit.

Le paragraphe 8(2) énonce certaines modalités de l'exercice du droit à l'instruction en langue inuit. Ces modalités aident le gouvernement du Nunavut à honorer ses obligations, lesquelles découlent de ce droit inhérent, dans le respect des devoirs que lui imposent la Loi constitutionnelle et les pactes internationaux. Cependant, ce n'est pas le paragraphe (2) de l'article 8 qui crée ces obligations, comme nous le verrons un peu plus loin dans le présent mémoire.

Pour revenir au projet de loi n° 25, c'est la reconnaissance des langues autochtones comme droit inhérent qui sous-tend notre position, soit que le gouvernement du Nunavut a ignoré son obligation de prendre des mesures pour veiller au plein exercice des droits linguistiques des Inuit du Nunavut.

### **3.3. Quand droit rime avec obligation**

Comme il a été mentionné au point 3.2, les préambules de la LLO et de la LPLI affirment qu'une action positive est nécessaire pour protéger et promouvoir la langue inuit et l'expression

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<sup>17</sup> *Idem*, art. 4.

<sup>18</sup> Haut-Commissariat des Nations Unies aux droits de l'homme, Convention relative aux droits de l'enfant, New York, 20 novembre 1989.

<sup>19</sup> *J.S. c. Nunavut (Minister of Health and Social Services)*, 2006 NUCJ 20, paragr. 26 et 27.

culturelle inuit. Cette nécessité est aussi confirmée dans la DNUDPA et à l'article 4 de la Convention relative aux droits de l'enfant.

De même, les tribunaux ont reconnu que les États ont le devoir de prendre des mesures positives pour mettre en application des garanties linguistiques. Dans l'arrêt *R. c. Beaulac*, le juge Bastarache a conclu ce qui suit au nom de la majorité de la Cour suprême du Canada :

Les droits linguistiques ne sont pas des droits négatifs, ni des droits passifs; ils ne peuvent être exercés que si les moyens en sont fournis. Cela concorde avec l'idée préconisée en droit international que la liberté de choisir est dénuée de sens en l'absence d'un devoir de l'État de prendre des mesures positives pour mettre en application des garanties linguistiques<sup>20</sup>.

Ensuite, dans l'arrêt *Mahe c. Alberta*, la Cour suprême du Canada a conclu que l'article 23 de la Charte canadienne des droits et libertés « prescrit simplement que les gouvernements doivent faire ce qui est pratiquement faisable dans les circonstances pour maintenir et promouvoir l'instruction dans la langue de la minorité »<sup>21</sup>. Selon la LLO, la langue inuit a un statut égal à l'anglais et au français; elle devrait donc jouir du même égard que ces deux autres langues au Nunavut<sup>22</sup>.

Enfin, dans l'arrêt *Doucet-Boudreau c. Nouvelle-Écosse (Ministre de l'Éducation)*, la Cour suprême du Canada a confirmé une ordonnance enjoignant aux autorités provinciales de faire de leur mieux pour fournir des établissements et des programmes d'enseignement dans des délais déterminés. La Cour a dit que les attermoissements ne doivent pas être tolérés dans l'application des droits linguistiques. Autrement, il pourrait bien ne plus rester aucun locuteur de la langue inuit pour invoquer ces droits :

Les droits garantis par l'art. 23 présentent une autre caractéristique : en raison de l'exigence du « nombre justificatif », ils sont particulièrement vulnérables à l'inaction ou aux attermoissements des gouvernements. Le risque d'assimilation et, par conséquent, le risque que le nombre cesse de « justifier » la prestation des services augmentent avec les années scolaires qui s'écoulent sans que les gouvernements exécutent les obligations que leur impose l'art. 23. Ainsi, l'érosion culturelle que l'art. 23 visait justement à enrayer peut provoquer la suspension des services fournis en application de cette disposition tant que le nombre cessera de justifier la prestation de ces services. De telles suspensions peuvent fort bien devenir permanentes en pratique, mais non du point de vue juridique. Si les attermoissements sont tolérés, l'omission des gouvernements d'appliquer avec vigilance les droits garantis par l'art. 23 leur permettra éventuellement de se soustraire aux obligations que leur impose cet article. La promesse concrète contenue à l'art. 23 de la Charte et la nécessité cruciale qu'elle soit tenue à temps

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<sup>20</sup> *R. c. Beaulac*, [1999] 1 RCS 768, paragr. 20.

<sup>21</sup> *Mahe c. Alberta*, [1990] 1 RCS 342, paragr. 366, cité dans *Conseil scolaire francophone de la Colombie-Britannique c. British Columbia*, 2018 BCCA 305, paragr. 2.

<sup>22</sup> Loi sur les langues officielles, L.Nun. 2008, ch. 10, art. 3.

obligent parfois les tribunaux à ordonner des mesures réparatrices concrètes destinées à garantir aux droits linguistiques une protection réelle et donc nécessairement diligente<sup>23</sup>. (C'est nous qui soulignons.)

La situation au Nunavut s'apparente au « contexte urgent » décrit par la Cour suprême du Canada dans l'arrêt *Doucet-Boudreau*<sup>24</sup>. En 2006, Thomas Berger a préparé pour le gouvernement canadien un rapport en sa qualité de conciliateur des négociations du contrat de mise en œuvre de l'ARTN. Il explique dans ce rapport qu'il faudra mettre en place un programme complet d'éducation bilingue pour que les niveaux d'embauchage des Inuit atteignent les objectifs fixés dans l'ARTN :

[...] le chapitre 23, qui porte sur l'emploi, ne peut faire l'objet d'une discussion intelligente sans discussion de l'éducation. Les écoles sont censées doter les étudiants des qualités nécessaires pour obtenir un emploi. Mais au Nunavut, elles n'ont pas produit un groupe adéquat d'Inuits qualifiés. Les écoles sont en échec, elles ne produisent pas des diplômés ayant véritablement des compétences en inuktitut et, de plus, les Inuits du Nunavut ont le plus faible taux d'alphabétisation en anglais de tout le pays.

Lors des réunions que nous avons organisées, il est devenu évident que le statu quo est inacceptable, qu'il est nécessaire d'adopter un vigoureux programme d'éducation bilingue<sup>25</sup>.

Il poursuit en expliquant que le passage de l'inuktitut à l'anglais comme langue d'instruction en quatrième et cinquième année est source de graves problèmes :

En 1999, le gouvernement du Nunavut héritait des anciens Territoires du Nord-Ouest un programme de cours scolaires qui, quoi que prétendument bilingue, mettait l'accent sur l'anglais aux dépens de l'inuktitut. Ce système ne fonctionne pas.

Aujourd'hui au Nunavut, l'inuktitut est la langue d'instruction de la garderie jusqu'à la troisième ou la quatrième année. À la quatrième et la cinquième année, l'inuktitut est abandonnée comme langue d'instruction et les enfants inuits apprennent à connaître l'anglais comme unique langue d'instruction. Plusieurs d'entre eux peuvent parler en anglais. Cependant, ils sont incapables d'écrire l'anglais et leurs habiletés en anglais ne sont pas assez développées pour faciliter l'instruction en anglais. En quatrième année, ils recommencent à neuf et ils se trouvent déjà dépassés. Leur compréhension est imparfaite et ils prennent de plus en plus de retard. Rendus à la huitième, la neuvième et la dixième année, ils sont confrontés à l'échec, certainement pas tous, mais la plupart.

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<sup>23</sup> *Doucet-Boudreau c. Nouvelle-Écosse (Ministre de l'Éducation)*, [2003] 3 RCS 3, paragr. 29.

<sup>24</sup> *Idem*, paragr. 40.

<sup>25</sup> THOMAS BERGER, *Accord sur les revendications territoriales du Nunavut : négociations du contrat de mise en œuvre pour la deuxième période de planification 2003-2013 – Rapport final du conciliateur*, présenté au ministre des Affaires indiennes et du Nord canadien le 1<sup>er</sup> mars 2006. Sur Internet : [https://www.rcaanc-cirnac.gc.ca/DAM/DAM-CIRNAC-RCAANC/DAM-TAG/STAGING/texte-text/nlc\\_1100100030983\\_fra.pdf](https://www.rcaanc-cirnac.gc.ca/DAM/DAM-CIRNAC-RCAANC/DAM-TAG/STAGING/texte-text/nlc_1100100030983_fra.pdf), page v.

Cela affaiblit leur confiance en eux-mêmes, car non seulement leur langue et leur culture ont été rejetées par l'établissement d'enseignement, mais leur vie scolaire a été la démonstration de leur incapacité personnelle. Les enfants inuits doivent rattraper les cours, mais c'est comme tenter d'attraper une cible en mouvement alors qu'ils passent aux années supérieures lorsque le programme de cours dépend de plus en plus de la lecture et des livres, ainsi que d'une capacité en anglais qu'ils ne possèdent tout simplement pas.

Au Nunavut, cela renforce le message colonial d'infériorité. L'étudiant inuit se retire mentalement et par la suite abandonne tout.

Dans un tel système, l'inuktitut est affaiblie. La langue n'est bien sûr qu'un des éléments de l'identité, mais il s'agit d'un élément dont l'importance est énorme.

Le taux de décrochage est lié à l'incidence malheureuse au Nunavut de la criminalité, de la consommation de drogues et de la violence familiale. Ejetsiak Peter, président de l'autorité scolaire de Cape Dorset, me résumait la situation par le truchement d'un interprète : « Les enfants qui décrochent n'ont pas développé les habiletés leur permettant de survivre grâce au territoire, et ils ne possèdent pas non plus les capacités d'occuper un emploi. Ils sont donc pris entre deux mondes<sup>26</sup>. »

Il est donc urgent que le gouvernement du Nunavut prenne des mesures positives pour offrir un programme d'éducation bilingue rigoureux jusqu'en 12<sup>e</sup> année, comme le prévoit l'article 8 de la LPLI. Cette obligation, si elle est énoncée à l'article 8, découle toutefois d'ailleurs. Le projet de loi n° 25, en suspendant l'application dudit article, pourrait ainsi donner au gouvernement territorial le faux sentiment qu'il n'a pas à se conformer au paragraphe 8(2). Il pourrait aussi rendre la tâche plus difficile au vérificateur général qui voudrait expliquer en quoi exactement le gouvernement manque à son devoir. Par contre, il n'aura jamais pour effet d'annuler cette obligation en soi.

#### **4. CONCLUSION**

Le projet de loi n° 25 propose de retarder la mise en œuvre des dispositions de l'article 8 de la Loi sur la protection de la langue inuit (LPLI) qui traitent du droit à l'instruction en langue inuit ainsi que de l'obligation, pour le gouvernement du Nunavut, d'offrir cette instruction. Généralement, l'Assemblée législative jouit de vastes pouvoirs qui lui permettent de légiférer et de modifier les lois. N'outrepasse pas cette prérogative qui veut, et d'ailleurs, c'est une avenue que le Bureau du commissaire aux langues du Nunavut exclura s'il veut se montrer convaincant.

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<sup>26</sup> *Idem*, pages v et vi.

En revanche, les Inuit du Nunavut ont un droit inhérent à l'instruction en langue inuit, qui leur est garanti par l'article 35 de la Loi constitutionnelle. Ce droit existe, qu'il soit énoncé ou non dans la Loi sur la protection de la langue inuit (LPLI). De l'article 35 découlent des obligations que le gouvernement du Nunavut doit honorer, envers et contre toute disposition contraire de la LPLI.

Il s'ensuit que les dispositions du projet de loi n° 25 visant à retarder l'instruction en langue inuit contreviennent aux droits linguistiques inhérents des Inuit. En outre, un tel report constituerait une violation du devoir de prendre des mesures pour protéger les droits linguistiques, devoir qui incombe aux États signataires de pactes internationaux comme la DNUDPA. Enfin, la mise en œuvre progressive proposée contreviendrait vraisemblablement aux droits des Inuit énoncés dans la Loi constitutionnelle parce qu'elle priverait des générations d'Inuit de leurs droits linguistiques.

Le droit à l'instruction en langue inuit existe bel et bien, qu'il soit ou non codifié à l'article 8 de la LPLI. Les dispositions du projet de loi n° 25 qui ont pour objet de repousser l'application de cet article contreviennent aux droits linguistiques inhérents de tous les Inuit. En retardant l'instruction en langue inuit, le gouvernement du Nunavut néglige de s'acquitter de son devoir, qui consiste à prendre des mesures positives pour permettre aux Inuit d'exercer ce droit.



**Response to Bill 25,  
*an Act to Amend the Education Act and  
the Inuit Language Protection Act***

Submitted by the Representative for Children and Youth's Office

September 13, 2019



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**NUTAQQANUT INULRAMIRNULLU**  
**UQAQTIKHAANIK**

**REPRÉSENTANT DE**  
**L'ENFANCE ET DE LA JEUNESSE**

**REPRESENTATIVE FOR**  
**CHILDREN AND YOUTH**

The Representative for Children and Youth's Office (RCYO) is pleased to make this submission to the Standing Committee on Legislation (Standing Committee) regarding Bill 25, *An Act to Amend the Education Act and the Inuit Language Protection Act* (Bill 25). This submission falls under the RCYO's legal duty to make recommendations on child and youth-related legislation.

The United Nations *Convention on the Rights of the Child* is a legally binding, human rights agreement, which details young people's civil, political, economic, social, and cultural rights, as well as the roles and responsibilities governments and families have in supporting these rights. It can also be used as a guide to assess how child rights are supported in legislation, programs, and policies. The United Nations *Convention on the Rights of the Child* guided our review of the proposed changes to the *Education Act* and our recommendations were made in support of young people's rights.

In September 2016, when the Department of Education proposed amendments to the *Education Act* and held public consultations that lead to Bill 37, *An Act to Amend the Education Act and the Inuit Language Protection Act* (Bill 37), the RCYO provided recommendations #1, #2, #3, and #4 for the department's consideration. In early 2017, the RCYO was pleased to learn that the Department of Education planned to include three of the four recommendations in the amending bill. However, due to the rejection of Bill 37 by Members of the Legislative Assembly of Nunavut (Legislative Assembly), these recommendations were not adopted. In November 2018, as part of the Department of Education's review of the *Education Act* prior to the introduction of Bill 25, the RCYO again submitted recommendations #1, #2, #3, and #4, as well as recommendations #5, #6, #7, and #8 to the department. In addition to the eight aforementioned recommendations previously submitted to the Department of Education, the RCYO submits one additional recommendation, #9, for the Standing Committee to consider, as it has only recently come to the RCYO's attention.

### **Recommendation #1**

**Expressly include commitment to the United Nations *Convention on the Rights of the Child* as a guiding principle in the administration and interpretation of the revised *Education Act*.**

The RCYO was pleased to see recommendation #1 incorporated into the preamble of Bill 25. We encourage the Standing Committee to support this addition.

### **Recommendation #2**

**Deliberately and thoughtfully seek input from students past and present when developing policies and procedures in support of the revised *Education Act* and in future legislative reform.**

We encourage the Standing Committee to consider any submissions provided by young Nunavummiut, and reflect their thoughts and concerns about their education in the Standing Committee's findings and recommendations on Bill 25.

### **Recommendation #3**

**Address the exclusion of minor students from initiating and actively participating in administrative proceedings, particularly those that pertain to student suspension and/or expulsion.**

While the RCYO supports the proposed changes that increase the right for minors to be heard,<sup>1</sup> this appears to only apply to reviews related to inclusive education. The RCYO continues to advocate for the right of minor students to have a voice in all administrative proceedings that affect them. The RCYO requests that the Standing Committee re-visit this recommendation and in doing so, also take into consideration the RCYO's recommendation #8, which calls for the introduction of the concept of mature minors into the *Education Act*.

### **Recommendation #4**

**Strengthen student participation in the work of the District Education Authorities by adding clearer provisions in the legislation and establishing voting privileges for the elected student representatives.**

We were pleased to see that this recommendation has been fulfilled with the proposed amendment to section 134(5).<sup>2</sup> We encourage the Standing Committee to support this proposed amendment.

### **Recommendation #5**

**The Department of Education deliver Early Childhood Education programs in all communities in Nunavut.**

The amendments outlined in Bill 25 state that every five years, following consultation with the community, District Education Authorities (DEA) can elect to provide early childhood programs for the following five school years. Subsection 17(1) of Bill 25 states that DEAs who elect to do so shall provide an early childhood program that promotes fluency in the Inuit language and knowledge of Inuit culture, and may provide other early childhood programs. DEAs cannot use third-party ECE providers to provide these programs. Under subsection 17(7) of Bill 25, it is stated:

Minister may provide programs

(7) For greater certainty, the Minister may provide early childhood programs in schools through agreements with third parties.

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<sup>1</sup> As outlined in Bill 25, under subsection 50(5), minor students have the right to be heard "unless the review board determines that giving this opportunity can reasonably be expected to be inappropriate or harmful to the student."

<sup>2</sup> As amended in Bill 25, "the student representative elected under this section has the same rights and responsibilities as members of the district education authority, including the right to vote."

The use of the words “shall” and “may” in subsections 17(1) and 17(7) are of interest, as it appears that while DEAs who elect to provide ECE programs shall do so, the Minister may do so through agreements with third parties. Review of section 28(2) of the *Interpretation Act* states:

28(2) The expression “shall” is to be construed as imperative and the expression “may” as permissive.

The proposed amendments in Bill 25 do not appear to clarify that in cases where DEAs elect not to provide ECE programming, the Department of Education must do so. This is of concern to our office, as we strongly encourage effective ECE programs be provided to all children in the territory. We ask the Standing Committee to review the proposed amendments to section 17 of Bill 25 and clarify that an ECE program is to be provided in all communities, whether by the DEA or the Department of Education.

#### **Recommendation #6**

##### **Prioritize the recruitment of young Inuit into the teaching profession under the Inuit Employment Plan.**

Bill 25 states that “the Minister shall develop and maintain a strategy for the retention and recruitment of Inuit Language teachers for the purpose of implementing”<sup>3</sup> Language of Instruction<sup>4</sup> and Inuit Language instruction.<sup>5</sup> Although our recommendation speaks specifically to the Inuit Employment Plan, we encourage the Minister to ensure that the strategy they develop prioritizes recruitment of young Inuit into the teaching profession.

#### **Recommendation #7**

##### **Add definitions of inclusive education and student supports to the *Education Act*, and ensure children, youth, and their families are made aware of the supports that are available to them. The definitions for education program and school program should be clarified in the legislation, including which matters fall under each program and who is responsible for tending to these matters.**

While Bill 25 revises provisions related to inclusive education, the RCYO’s recommendation to define inclusive education and student supports was not fulfilled. The amendments to education program and school program, now referred to as “local community program”, appear to offer more clarity as to which matters fall under each program however, further clarification would be beneficial. We encourage the

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<sup>3</sup> *Bill 25, An Act to Amend the Education Act and Inuit Language Protection Act*. (2019). 1<sup>st</sup> Reading June 4, 2019, 5<sup>th</sup> Assembly, 2<sup>nd</sup> Session. p. 51. Retrieved from <https://www.assembly.nu.ca/sites/default/files/Bill-25-5A2S-AATA-Education-Act-and-ILPA-EN-FR.pdf>

<sup>4</sup> The Minister shall develop and maintain this strategy to implement Part 4 of the *Education Act*, which is “Language of Instruction”.

<sup>5</sup> The Minister shall develop and maintain this strategy to implement section 8 of the *Inuit Language Protection Act*, which is “Inuit Language instruction”.

Standing Committee to consider adding a definition of inclusive education to the *Education Act* to ensure children, youth, and their families are aware of the supports that are available to them.

#### **Recommendation #8**

**Introduce the concept of mature minors to the *Education Act* to reduce barriers for minor students who wish to make decisions on their own behalf, and who have the maturity to do so.**

The amendments made to Bill 25 do increase the rights of minor students to participate in certain aspects of their schooling;<sup>6</sup> however, the concept of mature minors has not been introduced in this legislation. Our office requests that the Standing Committee give due consideration to introducing this concept to the *Education Act*, as doing so would align with Article 12 of the United Nations *Convention on the Rights of the Child*, which speaks to government's obligation to consider a child's opinion, based upon their capacity and circumstances, when decisions are being made about them.

#### **Recommendation #9**

**Shorten the timelines for the Minister to develop and establish orientation and mentoring for teachers, as outlined in s.96 of the *Education Act*, to within the first year after they take up the duties of their positions and ensure that a component of orientation and mentoring is completed prior to the start of teachers' employment.**

While the RCYO fully supports the development and establishment of orientation and mentoring programs for teachers, the two-year timeline provided for the Minister to do so is of concern. With annual attrition rates of between 30-40%, and "massive turnover in staff each year",<sup>7</sup> the timeline allotted in the *Education Act* for this training creates the potential for many teachers to work in the territory without ever receiving the orientation and mentoring intended to "integrate them into the Nunavut school system".<sup>8</sup>

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<sup>6</sup> As outlined in Bill 25, subsection 43(8) provides that minor students shall participate in the development of an individual student support plan unless "both the school team and a parent of a student determine that consultation can reasonably be expected to be inappropriate or harmful to the student", and subsection 50(5) provides that minor students have the right to be heard "unless the review board determines that giving this opportunity can reasonably be expected to be inappropriate or harmful to the student."

<sup>7</sup> Nunavut Teachers' Association (2019, June 18). NTA President's summer message. Retrieved from <https://ntanu.ca/nta-presidents-summer-message/>

<sup>8</sup> *Education Act*, S Nu 2008, c15. p.48. Retrieved from <https://www.nunavutlegislation.ca/en/consolidated-law/current?title=E>

The RCYO makes this submission to the Standing Committee in the spirit of collaboration with the Department of Education and the Legislative Assembly and in support of young Nunavummiut's rights under the United Nations *Convention on the Rights of the Child*, particularly:

**Article 2:** The right to protection against discrimination;

**Article 3:** The right to the protection of the best interests of the child;

**Article 4:** The right to the protection of children's rights;

**Article 12:** The right to have one's opinion heard and considered;

**Article 28-29:** The right to education;

**Article 30:** The right to practice one's own culture, language, and religion.

We thank you for the opportunity to contribute to this important work and we look forward to following how the Standing Committee responds to the recommendations put forward by the RCYO and other interested parties.

Sincerely,

A handwritten signature in blue ink that reads "Jane Bates". The signature is written in a cursive, flowing style.

Jane Bates  
Representative for Children and Youth



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John Main, MLA  
Chair, Standing Committee on Legislation  
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October 11, 2019

Dear Mr. Main,

Re: submission *Inuit Uqausinginnik Taigusiliuqtiit* (IUT) re BILL 25, *an Act to amend the Education act and the Inuit Language Protection Act*

With respect to the above, please accept the IUT's submission.

The *Inuit Language Protection Act* (ILPA) affirms the inherent right of Inuit to use Inuktitut and affirms that positive action is necessary to protect and promote Inuktitut and Inuit cultural expression, consistent with international human rights undertakings and Canadian constitutional law. ILPA confirms key rights to Inuit in education, work and day-to-day services provided to the public by every organization operating in Nunavut.

Given the IUT's duties under section 16 of ILPA, such as the duty to expand the knowledge and expertise available with respect to the Inuit Language, the IUT is concerned about the proposed amendments under Bill 25, particularly the proposed amendment to section 8 of ILPA.

As you know, section 8 of ILPA states that every parent whose child is enrolled in the education program in Nunavut has the right to have his or her child receive Inuit Language instruction. Bill 25 proposes to change section 8 in such a way that section 8 only applies to kindergarten and grades 1 to 3; For grades 4 to 12 a schedule is to be followed where bilingual education would be slowly rolled out from Grades 4 to 12, starting with Grade 4 by 2026 and ending with Grade 12 in 2039 for Inuktitut.

The IUT is very concerned that the proposed roll-out schedule will do much harm to the protection and promotion of Inuktitut as the deadlines are pushed too far into the future. This harm will be particularly felt in regions where Inuktitut language use is already low.

As statistics have shown, Inuktitut continues to decline and the English language is becoming more and more dominant. Therefore, for Inuktitut to survive and thrive, action must be taken sooner rather than later. Inuit have a right to have their children taught in their own language, but the proposed delay will only encourage the further diminishment of Inuktitut. The proposed roll-out schedule is therefore unacceptable in the view of the IUT and the IUT calls that action be taken in a more ambitious timeframe.



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Based on the above explained concerns, the IUT proposes and requests that the GN further investigate what other options there are to ensure that children in grades 4 to 12 can receive Inuit Language instruction as originally promised in section 8 of ILPA. Among other things, this could involve:

- recognizing that potential Inuktitut teachers face barriers because of the formal teaching requirements and considering the possibility of equivalencies for teachers' educational requirements. For instance, a partnering program could be created where proficient speakers of Inuktitut, such as Elders and Inuktitut teachers, partner with fluent Inuktitut speakers to encourage and prepare them to teach Inuktitut;
- providing further training for existing teachers to advance their language and teaching skills where needed;
- looking into the possibility of obtaining more funding for the training and hiring of bilingual teachers. Perhaps the wages of bilingual teachers can be made more competitive;
- further reviewing the Nunavut Teacher Education Program to determine what improvements ought to be made to the program;
- further investigating how to interest Inuktitut speakers to become teachers – what do potential teachers consider to be obstacles and how can they be overcome?

In the IUT's view, the GN should also create a plan with clear targets that explains how the number of bilingual teachers will be increased and how more Inuktitut teaching materials will be created. Not only should a plan be created, it should also be carefully monitored and implemented. Without a plan containing clear targets it is difficult to hold the responsible parties accountable.

We thank you for your consideration of our submission.

Sincerely,

Louis Tapardjuk  
Chair of the IUT





September 12, 2019

John Main, MLA  
Chair, Standing Committee on Legislation  
Legislative Assembly of Nunavut  
Email: [submissions@assembly.nu.ca](mailto:submissions@assembly.nu.ca)

Dear Mr. Main and members of the Standing Committee on Legislation,

**Re: Bill 25**

I am writing on behalf of the Apex District Education Authority to provide our formal submission regarding Bill 25.

Members of our DEA, along with a number of concerned community members, asked questions at and shared comments and concerns during community consultations this past winter. Our DEA also met with the Minister of Education and staff to discuss key concerns and to seek answers to our questions. We have also provided written explanation of our concerns and objections in December 2018. Our DEA's formal submission in response to Bill 37 also identifies concerns that are applicable with respect to Bill 25. Our DEA has, on a number of occasions, provided input and recommendations. We have yet to see or participate in the development of proposed legislation that reflects our perspectives.

Contrary to clear and consistent community input from DEA's and members of the public, Bill 25 proposes to make a number of changes to the existing Education Act and the Inuit Language Protection Act that would:

- Diminish existing Inuit language rights;
- Diminish community participation and authority; and,
- Centralize authority with the Minister, without a clear accountability framework.

Bill 25:

- Does not provide for a clarity of roles, authorities and accountability of education partners;



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**NANOOK SCHOOL**

- Does not address the need for specialized services of special needs children in a timely and inclusive manner;
- Does not provide direction towards increasing the number of Inuktitut speaking educators;
- Does not direct the development of much needed Inuktitut curriculum and learning resources;
- Does not respect and incorporate many of the key concerns and direction presented during community consultations; and
- Does not uphold and advance existing Inuit language rights.

Moving forward, the government must be directed to work meaningfully with community leadership and education partners in the design of a truly made in Nunavut legislation which would address longstanding concerns that would improve accountability and the delivery of Inuktitut language of instruction and inclusive education.

I urge you to withdraw Bill 25 and focus on reforms, which Nunavummiut have communicated clearly and consistently.

DEA's, as locally elected authorities, have a significant mandate and role to play in our formal education system and should be welcomed as active contributors in the development of such proposals and processes. Your department has, through the process taken in the development of Bill 25, demonstrated an apparent ignorance or disregard for meaningful community input, including locally elected bodies with legislated authority under the existing Education Act.

Members of the Apex DEA have identified a number of other key concerns in relation to measures described in the proposed Bill. During the public consultation in Apex, for example, it was communicated to government officials that, even within the City of Iqaluit, there is diversity in our population, in our approach to education related programming and in community-led initiatives to contribute to the overall education, health and well-being of the children and families we serve.

Some of our unique programming in Apex includes *Nunaschool*, our pre-kindergarten/junior kindergarten programming, and other family and community-led initiatives such as the *Mamaqtuq Cooking Club*. Text presented in Bill 37 and in the recent/current legislative proposal threaten the ability of our DEA in continuing with some of these specific initiatives, which are important to our community, our parents and the students we serve.



During the recent Apex consultations, members of our DEA sought assurance from Government of Nunavut officials that community initiatives such as these would not be put at risk in favour of standardization and other efforts, which appear to be for the convenience of the administration. Based on responses provided, which were generally vague and non-committal, we feel that we do not have sufficient assurances on these fundamental matters to signal any kind of agreement with respect to changes that are being proposed in the area of standardization and centralization.

Our DEA, and parents we represent, have serious concerns with respect to the department's proposal to diminish the existing legal right of parents to have their children educated in Inuktitut from kindergarten through to grade 12, as provided for in the Inuit Language Protection Act. While recognizing the challenges associated with delivering on these legal obligations, it is our view that the existing legislation must be used as a tool to help leverage the required resources to allow for increased investments in educator training; development, use and sharing of teaching and learning resources; and other actions to support Inuktitut instruction in our school system.

DEA's require additional support from your government to effectively fulfill their/our role. Instead, the Department of Education's misguided proposal seeks to reduce responsibilities and concentrate authority at the point that is furthest from the community, serving primarily to allow for administrative conveniences.

There are a number of other considerations outlined and hinted at in the current legislative proposal that are cause for concern. Some of these specific concerns relate to the proposed establishment of the DEA Council (to replace the existing Coalition of Nunavut DEA's); restructuring the fundamental relationship between DEA's and the Minister; measures relating to individualized support for students; as well as other proposals which do not address clear direction from community leadership.

On behalf of our students, parents and our community at large, the Apex District Education Authority is calling on the Standing Committee on Legislation – all regular MLA's - to reject Bill 25.

In conclusion, the Apex DEA is NOT in support of Bill 25. The process followed by the Department of Education as well as various other recent actions contravene sections of the existing Education Act, sections of the Nunavut Agreement and are completely contrary to best practices and building a spirit of teamwork and collaboration.



Qujannamiik,

Apex District Education Authority

Cc All Regular MLA's

David Joanasie, Minister of Languages

Coalition of Nunavut DEAs

Aluki Kotierk, President, Nunavut Tunngavik Incorporated



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NANOOK SCHOOL

# Arviat District Education Authority

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### Arviat DEA comments on Bill 25:

## Language of Instruction &amp; Inuit Language Protection Act

- The ADEA has concerns about the dialect of Inuktitut that will be utilized in the Arviat School System. Although we realize that offering multiple dialects may be a challenge for the department; at the very least there should be regional dialects utilized.
- The ADEA understand the capacity issues faced by the department to develop Inuktitut curriculum for grades 4-12 and the limitations caused by lack of Inuit teachers Nunavut wide.
- Although the extensions to the implementation deadlines proposed are around 20 years, we have no way to gauge whether this is too long or short of an extension. We hope at the very least that there will be an accompanying plan to this bill to ensure that the deadlines are met this time around.
- In order to ensure there is an adequate base of Inuktitut speaking teachers, we would suggest that NTEP be offered on an ongoing basis.

## School Calendars

- The ADEA supports the move to 9 standard calendar's (three per region) as proposed.

## Inclusive Education

- The ADEA supports the change to move the responsibility for delivery of inclusive education from the DEAs to the principals.

## Education staff

- The ADEA supports the proposed change to the principal terms.
- Regarding the proposed change to timeline to appoint members to principal hiring panels, we would appreciate clarification on 2 days from what date? Date DEA is notified? Date of hiring process start?

## DEA Coalition

- We are happy to hear of increase from 2 position to 6. What will be the hierarchy/breakdown of the 6 positions? Will there be 2 positions per region? Where will the positions be based? To create the positions will there be a restructure of the Department once again?
- We are happy to hear that the Coalition will be responsible for assisting DEAs with policy creation and implementation. We have been concerned about the lack of support from the regional school operations offices with regards to this item.

Elizabeth Karetak, Arviat DEA, Chairperson

Clare tak  
Sept 14/19

September 5, 2019



John Main, MLA

Chair, Standing Committee on Legislation – Bill 25

PO Box 1200, Iqaluit NU X0A 0H0

Email: [submissions@assembly.nu.ca](mailto:submissions@assembly.nu.ca)

To MLA John Main:

### **Responses to Bill 25, An Act to Amend the Education Act and the Inuit Language Protection Act**

The Gjoa Haven District Education Authority (“DEA”) thanks you for the opportunity to comment on Bill 25, An Act to Amend the Education Act and the Inuit Language Protection Act. Our DEA just reconvened after being on leave for the summer break and therefore has had limited time to review the aforementioned document in great detail. That said, we wish to offer the following comments for consideration by the Standing Committee and members of the Legislative Assembly, many of which were included in our April 19, 2017 submission to then Chair, Tom Sammurtok, in regards to Bill 37 amendments to the Nunavut Education Act.

#### **Inuit Qaujimajatuqangit (“IQ”)**

We remain concerned about the loss of IQ not only in our schools but in our society. Removing references to IQ puts our culture and heritage at greater risk of being lost. We also note that IQ is being proposed to be diminished to the speaking of Inuktitut and only in regards to the Nunavut society. This will weaken the quality of education in regards to our language and culture. We DO NOT support the repeal of any references to IQ. Where additional language is being proposed to enhance existing language, the DEA is supportive of these revisions.

#### **DEA Capacity and Governance**

Bill 25 proposes to recommend a drastic shift to the mandate of the DEA’s authority to represent and respond to the individual needs of their communities. A clear example is the proposal to set school calendars as directed by the Minister. DEAs have voiced their concerns about the standardization and centralization of authorities to the Ministers office. Every community in Nunavut has differing needs as they relate to the timing of cultural events and activities. For this, and a number of other reasons, the DEA’s should maintain control over the establishment of the annual school calendar bearing in mind that the objectives of the Act as well as the needs of the students and staff are being met. DEAs over



the years have consistently sought increases in resources to implement DEA authorities. The Coalition has researched, found and distributed information about DEA authorities in Nunavut. For example, the Coalition found that since 2008, DEA's responsibilities increased by 43% but DEA operating budgets did not increase. DEAs have been forced to operate in a manner that is underfunded and under-resourced. As an example, DEAs have consistently sought for full time office managers, and yet most DEAs continue to operate with a shared office manager/school secretary, often times in half time positions. This includes ensuring that the office manager is properly trained and remuneration to fulfill the important duties that they must undertake.

### **Hiring and Staffing**

Our review of Bill 25 did not find reference to any recommended changes with respect to the hiring and staffing of principals or vice-principals. The DEA wishes to reiterate its position as stated on April 19, 2017 which was: "In regards to hiring and staffing of principals and vice-principals, DEAs are concerned with the reduced ability for DEAs to be involved, especially since it is the DEA members who know their community needs better than staffing panels that don't live in our communities."

### **Early Childhood Education**

We are gravely concerned with the amendments that are being proposed in this area. Early Childhood programming is already challenging enough as it is, and the proposed changes will further complicate and separate the children. One addition that we believe needs to be made is a definition for "Early Childhood Education or Programming". It is our firm opinion that early childhood programming begin at an early age and be legislated into Bill 37. Our research shows that the first five years of a child's life are fundamentally important. They are the foundation that shapes children's future health, happiness, growth, development and learning achievement at school, in the family and community, and in life in general. Research confirms that the first five years are particularly important for the development of the child's brain, and the first three years are the most critical in shaping the child's brain architecture. Early experiences provide the base for the brain's organizational development and functioning throughout life. They have a direct impact on how children develop learning skills as well as social and emotional abilities. Children learn more quickly during their early years than at any other time in life. Babies and young children grow, learn and develop rapidly when they receive love and affection, attention, encouragement and mental stimulation, as well as nutritious meals and good health care. Understanding the stages of child development helps parents know what to expect and how to best support the child as she or he grows and develops. In many settings, early childhood programmes support parents and their children from infancy through age 8, which includes the important transition from home to school. Our DEA has seen the benefits of programs such as Moms and Tots and the Aboriginal Head Start program and firmly believes that these initiatives promote better academic opportunities over the long term and allow for a solid foundation in the Inuit language. Our DEA DOES NOT support the changes proposed to Section 17 of Bill 37. If greater supports for Early Childhood Education can't be included in Bill 37 then Section 17 as currently written should remain unchanged.



## **Orientation and Training**

Our review of Bill 25 did not find reference to any recommended changes with respect to Orientation and Training. The DEA wishes to reiterate its position as stated on April 19, 2017 which was: "DEAs have always asked to be given an orientation and it is their right to receive it, but these rarely occur, mainly because it is based on RSO schedules that don't accommodate DEAs. DEAs must be properly informed in regards to the important roles that they have. DEAs have accountability and their capacity must be enhanced. The Nunavut Education Act is a large and complex document. A 2 hour orientation on this piece of legislation, as well as the roles and responsibilities of members, is simply not adequate.

## **Language of Instruction**

The targets set in the 2008 Education Act have not been a priority and have not been implemented and it is evident in our drop out rates and our graduation rates. We cannot support a bill that proposes to delay these targets. The Department must be made to work harder to find the resources it needs to secure more Inuit teachers, including training and staffing, in order to keep Inuit culture alive and thriving in our societies. Our DEA DOES NOT support the proposed changes to Subsection 24(1) and 24(2). It is critical that the DEA's maintain control as it relates to the Language of Instruction in their respective community and be able to review this annually to address the changing needs of the community as they arise. We respect that Nunavut has become home to many different cultures, most of which have their own distinct wants and needs as they relate to language and education. We maintain that the Department must find a way to accommodate these cultures but not at the expense of Inuit. Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit must remain at the forefront.

## **Inclusive Education**

As DEA members, we feel we are not qualified for making requests about assessments. Section 43.3 is also not an effective way to communicate about the needs of students. If a parent comes to the DEA about assessment we feel this prevents open, transparent and effective communication between the school and parents. If assessments have been completed at the school, then there would be a record of that and this information would already be communicated to the parents/guardians. We also feel this speaks to a loss of confidentiality in regards to a student's education. In what capacity would a DEA have the skillset to offer advice about assessments for specific students? In Nunavut, students are not "tested". Just because someone is a teacher does not mean they would have the necessary skills to assess a student. Thereby, as DEA members are not educators, what would DEA members be asking for as assessments? There are many layers to a student: academic, social, behavioural. Including the DEA in a request for assessment, we feel, poses a real threat to effective plans for student learning.

### Teacher Allocation Funding Model

The Student/Teacher ratio does not give a whole school picture. The very programs we want in our schools are jeopardized by the students who do not attend. If a student does not come to school, then the school is penalized, financially, thus preventing regular attending students an opportunity to promote their learning and skills. Taking away funding from a school because students do not attend also decreases the schools ability to deliver programming to meet the needs of all students. Class sizes get larger or are split because there are not enough teachers for specific subjects. We feel the student register should be used to provide funding for all schools. Every child has a right to an education, so if they show up and are still considered a non-attender, the school is still responsible for teaching and providing resources...resources that can not be bought because there is no money for the non-attending student population. If schools know how many students are on their lists, their EPP's can be appropriately designed and implemented so that every student has an education path that meets their needs.

### DEA Council

Our review of Bill 25 did not find reference to the establishment of a DEA Council. The DEA wishes to reiterate its position as stated on April 19, 2017 which was: "The Coalition of Nunavut DEAs was created from DEAs. The Coalition emerged because DEAs were frustrated after the regional boards were dissolved. The Coalition was created to lobby the Department of Education in a unified manner. Dissolving the Coalition and replacing it with a government established Council will undermine the voice of DEAs in their efforts to be the voice of the parents at the local level and quite frankly is deemed insulting."

Again, we thank you for the opportunity to address our concerns with respect to Bill 25, An Act to Amend the Education Act and the Inuit Language Protection Act. While we believe our comments to be relevant to the majority of the communities in Nunavut, we are providing this communication from the perspective of our education district of Gjoa Haven. We trust that these comments and concerns will be reviewed carefully and given due consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Raymond Quqshuun Sr.", written in a cursive style.

Raymond Quqshuun Sr.  
Chairperson





PO. BOX 83  
Hall Beach Nunavut, X0A 0K0  
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their students. Unfortunately, high-quality collaboration among teachers at Arnaqjuaq School is challenging due to lack of space.

## 2. A need for a Day Care in Hall Beach

A large number of High School students are unable to attend school regularly or at all due to the lack of childcare. Although they have access to the "Young Parents Stay Learning" Program, private babysitters are not readily available. This past week, one student stopped coming to school so that she could babysit for her older sister who wanted to attend.

Likewise, staff attendance would improve with readily available childcare. Having a play-based Preschool Program and a Day Care in Hall Beach would boost Literacy levels and provide children with a positive start to school.

## 3. A lack of room for storage

Every closet, nook, and cranny has something in it. We struggle each year to find storage for the annual Sea Lift. In order to save money, the school would like to purchase more items on the Sea Lift, but storage space is not available.

Most importantly, the lack of storage affects programming for our students. The storage area in the Gymnasium is very small. This limits the amount and type of equipment that the school can purchase for the Physical Education program, directly influencing the program provided for our children.

In closing, we trust that this information will assist you in your deliberations concerning a new school for Hall Beach. If we can be of any further assistance, please do not hesitate to contact the DEA Secretary.

Sincerely,

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Solomon Nasook

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Chairperson

*Solomon Nasook*

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Nunia Ammaklak

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Vice chairperson

*N. Ammaklak*

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Elizabeth Ikeperiar

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Member

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Martha Gibbons

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Member

*MARTHA GIBBONS*

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Valerie Curley

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Member

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Annie Siakuluk

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Member

*Annie Siakuluk*





develop the ISSPs to placing the responsibility solely on the teacher to develop one with the parent or adult child is irresponsible and it creates more pressure on the teacher to succeed on drafting one virtually on their own – where time and other qualified persons to assist are critical factors.

### **3) Inadequate Information Regarding the Proposed Content of Intended Regulations**

IDEA members understand that draft regulations may not yet exist. However, we are concerned that there is no proposed content and legislators are being asked to support legislation that has not been fully thought through. Those regulations may have a real impact on classrooms and stakeholders are being asked to make a blind leap of faith.

### **4) Downloading of Department of Education Responsibilities to the Coalition of DEAs**

The duties given to the Coalition of DEAs are responsibilities that the Department of Education, with its resources, has historically been unable to fulfill. Training and support to DEAs that were the responsibility of the Department of Education will now be the responsibility of a body without the resources of a government department. This downloading of responsibilities is irresponsible, puts more administrative pressure on DEAs, and will not improve student outcomes or experiences in the classroom.

### **5) School Space Needs Determination**

Section 79 of Bill 25, specifically the new regulation making power that will be Section 181(d.2) in the amended Act, is unacceptable. The amendment only addresses the space needs of the CSFN and does nothing to respect the space needs of the “other district education authorities.” If this is to be addressed at all, then the legislation should specify the circumstances under which the CSFN might be defined as “requiring” classroom space and specifically ensure that protections are in place for students of the “other district education authority.” Currently, students are equally represented and protected by their respective DEAs. The proposed regulation making power will remove protections for students of the “other district education authorities” entirely.

Several specific areas of concern were also noted:

- DEAs should have absolute control over the development of their schools’ calendars;
- If government wants to make a meaningful change in the classroom, then legislative change is not required. More educators need to be in classrooms. This can be done immediately by:
  - changing the calculation of the Student Educator Ratio to eliminate the Principal and Vice Principal as educators;
  - equipping schools with more support through the provision of qualified Student Support Teachers and Student Support Assistants;
  - allocating Student Support Assistants through the use of a transparent formula that considers the actual needs of schools as established in ISSPs;
  - establishing eligibility lists during the main hiring process that can be used to immediately fill vacancies that arise during the summer months; and

- providing housing for Language Specialists.

The IDEA has reviewed the Coalition of DEA's written submission to Bill 25 and supports the submission.

As a District Education Authority, we have the best interests of our students and parents at heart. We perceive needs in the schools as many and varied: however, we understand that resources are limited. At the end of the day, we wish to have ongoing, open, transparent, cordial and collaborative talks with the Department of Education to ensure that as many students who are registering into our schools are graduating.

We want an Education Act which will work effectively for all the parties. We need stronger legislation that will ensure that students are equipped with all the tools they require to succeed in the language of their choice, that protects them and their parents' right to an inclusive environment with transparent administrative structure. We need to ensure that educators have a system of teaching and learning which will guarantee success for both student and educator alike. We need an Act that will promote harmonious relations between the Department of Education and District Education Authorities to achieve the successes required to deliver a model of education necessary to meet the demands of student and parent alike. The amendments that are proposed in Bill 25 will absolutely NOT achieve these goals and the Bill should be allowed to die on the order paper.

Sincerely,



Douglas M. Workman  
Chairperson  
Iqaluit District Education Authority

cc: CNDEA  
MLA Elisapsee Sheutiapik  
MLA George Hickes  
MLA Pat Angnakak  
MLA Adam Arreak-Lightstone



**From:** Ayo, Ferdinand [mailto:FAyo@GOV.NU.CA]

**Sent:** September 6, 2019 10:25 AM

**To:** Legislative Assembly of Nunavut Submissions <Submissions@Assembly.Nu.Ca>

**Subject:** RE: Building on the Past, Guiding the Future: A User's Guide to Bill 25 - EDU Staff

Ullakkut,

Regarding the email below, I have submitted my thoughts/insights right after the community public consultation. However, I would like to include that:

“ONLY INUK/INUIT CAN RUN FOR DEA POSITIONS. THEREFORE, THE COMPOSITION OF ALL DEA'S ACROSS NUNAVUT MUST ALL BE INUIT ”.

It is my belief that in order to make Education Inuit centred (Education for Inuit and by the Inuit), all DEA members must be Inuit in order to genuinely reflect their thoughts, feelings, aspirations for their fellow Inuit.

Qujannamiik.

Ferdinand S. Ayo

September 13, 2019

John Main, MLA  
Chair, Standing Committee on Legislation  
Legislative Assembly of Nunavut  
Email: [submissions@assembly.nu.ca](mailto:submissions@assembly.nu.ca)

**Re: Formal submission, Bill 25**

Ullukkut Mr. Main and members of the Standing Committee on Legislation. I am writing to provide my formal input in regards to Bill 25: An Act to Amend the Education Act and the Inuit Language Protection Act.

My review and analysis of Bill 25 feeds my pessimism with regard to your government's commitment to Inuktitut. It also makes me question your government's commitment to listen to, take direction from, and desire/ability to work with Nunavummiut and Education Partners in making the necessary reforms in our formal education program.

As a concerned and engaged parent, and as a contributing member of my local District Education Authority, I am upset that (y)our government spent so much time and resources in developing proposed legislation which is contrary to feedback shared during community consultations. "Consultations" were held in Nunavut communities - but almost no feedback/recommendations shared by many DEAs and community members was incorporated into the Department of Education's Legislative Proposal and Bill. Why spend so much time and money only to try to push through proposed amendments which were so clearly rejected in Bill 37?

I invite you to read (again, if you haven't read them already) submissions provided during the Bill 37 process. [https://assembly.nu.ca/sites/default/files/TD-316-4\(3\)-EN-Written-Submissions-on-Bill-37-Ed-Act-and-LangProt-Act.pdf](https://assembly.nu.ca/sites/default/files/TD-316-4(3)-EN-Written-Submissions-on-Bill-37-Ed-Act-and-LangProt-Act.pdf) Given the similarities between Bill 37 and Bill 25, and the valid and important concerns raised in those letters, I would suggest that concerns outlined in those letters remain valid.

My primary concern with Bill 25 centres on proposed amendments to the Inuit Language Protection Act. I understand there are real and serious challenges to ensuring the government is able to live up to its own legislation. I recognize and appreciate challenges associated with ensuring there are adequate numbers of qualified Inuktitut speaking educators. I know that teachers also require curriculum, teaching and learning resources and active networks to support them in delivering Inuktitut language of instruction in our schools.

Imagine if the Government of Nunavut - instead of devoting so much time and resources to accommodate the bureaucracy - devoted sufficient time, resources, energy and political will towards positioning our system to meet these obligations for the people?

During public consultations this winter, one of the questions I asked the Minister of Education was "*Since ILPA was legislated (2008), what resources have the Department of Education/Government of Nunavut requested and/or secured specifically towards positioning the Government of Nunavut to meet its S8 obligations under ILPA?*" I did not receive a response to this question but was told a response would be provided. I have yet to receive a response. While I hoped an answer to this question would help me to better understand the government's efforts and plans with regard to Inuktitut language of instruction, I am

left feeling the Department of Education continues, without accountability, without a clear plan. Without necessary resources to deliver, and without having made adequate, serious efforts to deliver on these obligations.

It has been great to see, over the last 2-3 years, additional Inuktitut teaching and learning resources being developed and used. It has been great to see promotional and communication material reaffirming the government's commitment to Inuktitut, including in our schools. In the absence of clear and ambitious plans/strategies, and the resources to implement them, it simply appears to be window dressing...efforts to make us *think* our government cares. While I want to see more books, more positive/affirming messaging with respect to Inuktitut in our schools, what Nunavummiut are asking for is clear. It exists in current legislation. The Inuit Language Protection Act is clear and reasonable in the legal obligations it creates for our education system. And, in its current form, ILPA responds to the needs Nunavummiut have clearly and consistently communicated with respect to protection of Inuktitut.

The changes proposed in Bill 25 represent a step backwards (or, many steps backwards) with respect to protection of the Inuit language, and I am calling on you, our legislators, to build on our existing language rights, not diminish them. Use the legislation as a tool to leverage the resources required to comply.

Changes being proposed focus on CIF for grades 4-12. What makes the government so confident that it will not face repercussions with respect to its compliance/non-compliance with S8 ILPA beyond grades 4-12? If Bill 25 is passed, I imagine some Nunavummiut will feel as though there are few other options to *force* the government to comply with its own laws than to look more closely at this law and how it can be used to effect the changes Nunavummiut need.

I have other significant concerns with Bill 25 as a whole, and individual proposals it contains, but, again, my primary concern relates to changes being proposed to ILPA.

If there would be opportunity, I would appreciate the chance to present to the SCL, or formally/informally to any/all MLAs to discuss, in more detail, concerns with this proposal. If the committee, or individual/group of MLAs would like to request additional information, in writing, in person or by other means, I would be happy to share.

I will (continue trying to) contact my own MLA – and other MLAs in the coming days/weeks, but am providing this response to communicate my request to all regular MLAs to reject Bill 25. Furthermore, I urge SCL to direct government to meaningfully engage with DEAs and education partners on drafting of an Education Bill *which is based on needs/concerns communicated by Nunavummiut* (not just “consultations” but true engagement, collaboration).

I trust that you, as elected MLAs, will serve as a check and balance, to hold our government accountable, and to ensure that your government/our government uses the limited resources we have available to us, moving forward, to design and build an education system truly reflective of our unique territory, and designed to support individual and collective student and community success in education and in life. In true partnership.

No to Bill 25.

Respectfully and with thanks,

Qajaaq Ellsworth

September 12, 2019

John Main            Cathy Towtongie  
Co-Chair,            Co-Chair,  
Standing Committee on Legislation    Standing Committee on Legislation  
Legislative Assembly of Nunavut    Legislative Assembly of Nunavut  
[submissions@assembly.nu.ca](mailto:submissions@assembly.nu.ca)

Dear Mr. Main and Ms. Towtongie,

**Bill 25 – An Act to amend the *Education Act (2008)* and the *Inuit Language Protection Act***

**Introduction**

I am responding to your call for submissions on June 11, 2019, as a proud Nunavummiut and a concerned resident of Nunavut. My main recommendation is to make sure Bill 25 is rejected.

**Background**

My mom is originally from Chesterfield Inlet and my dad was originally from Pond Inlet. Like many of my friends and extended family, I was raised with a lot of struggles. Despite the adversity I had to endure, I remain grounded in the teachings of helping my fellow Inuit and keeping education a priority.

Despite the overarching presence of the education system, I recall the loyalty of the Inuit to the Inuit way of living. I went to six different schools throughout the region that is now called Nunavut. I was one of four of the first grade 12 graduates in Igloolik, NWT. I have obtained the qallunaaq levels of a bachelor's degree and a law degree. I have obtained these in sacrifice of learning Inuit ways of living. I still do not know how to deal with skins or hides and I do not know what plants I must collect for my qulliq that I don't know how to use.

**Qallunaaq System**

I want to highlight the emphasis our society places on being educated in the qallunaaq system. To emphasize how we evaluate Inuit based on their ability to navigate this qallunaaq system and what the results are of it.

Out of the six schools in the different communities that I attended, out of all of the classmates, not very many of us went to universities or completed college. The majority of us became adults with our own families, many of us now have grandchildren. A few of us have long standing careers and many more of us are on social assistance. We all personally have lost someone to suicide.

This is what has happened by expecting Inuit to be fully educated in the qallunaaq system. This is what will continue to happen if we keep focussing on graduating students in this qallunaaq system. If we keep focussing on preparing our students to leave Nunavut.

**Culture and Pedagogy (method and practice)**

When I recall the most meaningful experiences in my education, I highlight the Ataguttaaluk School in Igloolik. The school system at the time was amazing because it made sure to

include Iglulingmiut. I remember feeling honoured to go interview our local elder Noah Piugaattuk, being taught by people like Susan Avinngaq and Mrs. Iqaqqsaq (I am quite positive that none of them achieved a grade 12 certificate, when they taught us).

I must admit that I have no idea who the DEA members were and what role they had. I am not sure if the teachers had been directed to incorporate Inuit culture in the curriculum, but it has always been evident that Inuit pedagogy was not the foundation of our education. In the best of times, it was still a supplement to “real” learning. We always went back to our “regular” classes with topics like biology and dissecting frogs and social studies and learning about the qallunaq society.

### **Importance of Inuit method and practice of teaching**

It is my humble recommendation that in order for the education system in Nunavut to improve, it must be based not just on Inuit cultural content, but also on Inuit pedagogy. We need to make sure that **how** Inuit teach and **how** Inuit learn is the basis for education, evaluation and promotion. There must be a true bridging in our education system that emphasizes being able to thrive in our arctic environment.

Indeed, the creation of Nunavut was so that Inuit could make decisions affecting Inuit. Twenty years later, we are still dreaming of Nunavut. We are still demanding that Inuit govern and in Inuit ways. One of the reasons Nunavut was created, was because Yellowknife was too far. Now we are saying Iqaluit is too far. We are still explaining that Inuit in the communities are the ones who know their members and them who should make decisions affecting their communities.

### **Learning from the Mi'kmaq in Nova Scotia**

In Nova Scotia, after many years of negotiation and debate, authorities over education were transferred from the public government to Mi'kmaq organizations in April 1999. In that time, the Mi'kmaq graduation rate was 30%. Since this transfer, the graduation rates of Mi'kmaq students have remained over 70%, with the most recent being 90%. Separate, specific and supporting provisions are made for Mi'kmaq students attending public schools and Mi'kmaq students attending schools governed by Mi'kmaq boards.

This example is both inspirational - it can be done! – and disappointing - why have we not accomplished this in Nunavut? One of the ways the Mi'kmaq transformed their education system was to have the accountability transferred to the Mi'kmaq. Even if the schools were part of a qallunaq system, the qallunaq system had to be accountable to the Mi'kmaq. It is the Mi'kmaq who ensure the quality of education, develop the resources and provide the educational materials.

### **Conclusion**

All of my children are now past the secondary Nunavut education system. Most of them graduated with a grade 12 certificate and some of them with some level of post-secondary education. This year, when my grandson entered kindergarten. He had no choice but to be put into an English stream. There were no Inuktitut teachers available for him to enter school.

There are no Inuktitut teachers, because Inuit are still being measured by the qallunaq system. There are many Inuit who speak Inuktitut, many Inuit who are capable of being teachers. Many who teach in Inuit ways. Many Inuit who are hunters and seamstresses. Many Inuit thriving in the arctic environment. There are many unemployed Inuit. Many Inuit

on social assistance. Many Inuit who are being excluded from the education system because they do not have Grade 12 or have not completed the Nunavut Teacher Education Program. The gap between the qallunaaq and Inuit systems must be filled with Inuit ways of teaching and learning and with Inuit governance.

Bill 25 must be rejected. It reinforces using the qallunaaq system. It reinforces relying on qallunaaq bureaucrats. If the Nunavut dream is to be realized, the Nunavut bureaucracy must be accountable to the Inuit in our communities. We must model the Mi'kmaq in Nova Scotia and many other indigenous peoples who have proven that when indigenous people govern their own people, success becomes greater.

I give my hope to you that our grandchildren will graduate as bilingual Inuit, having been taught to thrive in our arctic environment. I give my hope to you, that it is your decisions that will make or break the Nunavut dream becoming an enduring reality. I give my hope to you that you will remain loyal to your constituents.

Sincerely,

Lori Idlout

Dear Standing Committee on Legislation

Great legislation makes our society better. A vision becomes a commitment through legislation. The Canada Health Act is short and its five principles fund public health care in our country. It sets the standard for provincial and territorial governments to providing health care with reasonable wait times and cost to patients. In Nunavut, the Collaboration for Poverty Reduction Act is similarly visionary and turns a commitment into legislation. It holds the Minister accountable to working collaboratively with the Roundtable to see action for poverty reduction.

The Inuit Language Protection Act is one of Nunavut's most important pieces of legislation. It sets out the right for Inuktitut speakers and the duties of government to uphold these rights. Its vision was for a society served by a government in the majority first language.

The bureaucracies of the departments of Education and Justice have decided that the Education Act and Inuit Language Protection Act must be amended because not enough progress has been made. This is akin to Parliament changing the Canada Health Act because it is too difficult to implement in northern and remote areas. Worse still, imagine Parliament changing the Nunavut Act because it had not made enough progress.

### **My personal experience**

My children are the first generation of Inuit in my family to have running water and sewer from the day they were born. Yet, they are the third generation to be educated in a colonial language.

I attended English schools. From grade six to graduation, I took a French language arts class. By graduation, I was not fluent and I could not have a conversation in French.

My children have attended English and French daycare; French and Inuktitut preschool; and English and French elementary and middle school.

Neither my husband nor I speaks French at home. However, our children became fluent in French within one year of attending daycare because they have music, books, tv programs, and trained educators paid well. The Alberta-based French preschool curriculum was logical and provided families with a kit of music, games, worksheets and books to use with our child. The Inuktitut preschool teacher made her own handouts.

Today, one of my children is educated with Alberta's French curriculum. I have downloaded the curriculum from the Alberta website to learn the objectives and help her meet these standards. The other child is in an English school and educated with "a mix of Alberta, NWT and Nunavut" curriculum. It is hard for me to track her progress and help her with learning objectives because there is no Nunavut curriculum.

I have repeatedly asked the French school to provide instruction in Inuktitut and to provide service to parents in Inuktitut. The only amendment I support is to teach Inuktitut in the French school. However, I would prefer to move my children to Inuktitut language of instruction, if there was a commitment to Inuktitut that matched the vision of the Inuit Language Protection Act and Education Act of 2008.

It is very possible for children to learn a language not spoken at home. Government-funded residential schools taught my dad English. Government-funded French school taught my children French. My children learned English from watching tv, reading cereal boxes and comics. They are saturated in English and do not need help with learning it.

### **My Hope for the Education Act and ILPA**

The Inuit Language Protection Act is great legislation. With the commitments made for Inuktitut language of Instruction in the Education Act, these two pieces of legislation were designed to turn a vision into a commitment.

Keep the vision. Keep the commitment. I want my children, grandchildren and great-grandchildren to have high quality education, with standardized curriculum and Inuktitut language of instruction.

I ask you to leave the amendments to the Education Act and Inuit Language Protection Act, Bill 25, on the order papers and give the departments stern instructions to focus on implementation.

Kilikvak Karen Kabloona, parent

(please block out my email address when distributing)

Submitted prior to 5:00 pm Mountain time, after 5:00 pm Central, where I had been working today.



September 12, 2019

Theresa Lightfoot

PO Box 1101

Iqaluit, Nunavut X0A0H0

tlightfoot@grenfell.mun.ca

John Main

Chair, Standing Committee on Legislation

Legislative Assembly of Nunavut

PO Box 1200

Iqaluit, Nunavut X0A 0H0

submissions@assembly.nu.ca

Dear Mr. Main and members of the Standing Committee on Legislation,

Re: Bill 25

I am writing to share my concerns regarding Bill 25 and the proposed changes to Nunavut's Education Act and the Inuit Language Protection Act.

Years ago as a family we made the decision to leave Nunatsiavut to move to Nunavut as we recognized that Nunasiavut's Inuit language loss had become crippling. Our family is Inuit with family from Nunavut and Nunatsiavut. The ability to speak Inuktitut and function as an Inuk in every avenue of society is a priority of our family. We realized that if we had any chance as a family to ensure that our child could speak and read and write in Inuktitut it would be to make the leap to move here. I am so glad that we did! In the few years that our child has been in Inuktitut immersion at Joamie School she had really blossomed, thanks to her dedicated teachers. However, it is not without a struggle on her part.

Why is it that per capita French students receive more funding/support and a well thought out curriculum than the predominantly Inuit population? If this were truly a representative bill Inuktitut immersion education would be priority with clear steps/goals of how they are going to achieve this. The spirit of the land claims agreement spoke about a land where Inuit could truly see themselves represented and yet bill 25 will further erode and see inaction on the areas of our children's linguistic rights. By passing bill 25 you are telling Inuit families that they are not worth the commitment to turn things around and take our children's rights seriously.

As many of you know the French immersion school in Iqaluit was able to get off the ground/has a curriculum and dedicated teachers every year. I don't think that our lack of curriculum necessarily should keep us from reaching toward Inuktitut linguistic rights. What I mean is that perhaps we could learn from the French immersion school in what they are doing right. There are other areas like Nunavik/Greenland etc. that have immersion curriculum that surely we could borrow, after all this is what the English curriculum is doing at the high school level.

I ask that you take seriously our children's rights under section 23 of the Canadian Charter of Rights and Freedoms which states: parents belonging to an official language minority the right to have their children educated in that language. While Inuktitut nationally is not an official language in Nunavut it is, and we are talking about a made in Nunavut education bill. Please allow our children to have the same basic education rights as other Canadian citizens.

As you may have read I ask you please to reject Bill 25 as it **DOES NOT**:

- provide direction towards increasing the number of Inuktitut speaking educators;
- direct the development of much needed Inuktitut curriculum and learning resources;
- respect and incorporate many of the key concerns and direction presented during community consultations; and
- uphold or advance existing linguistic rights of Inuit, and is not in the spirit of the indigenous languages theme for the year.

Moving forward, the government must be directed to work meaningfully with community leadership and education partners in the design of a truly made in Nunavut legislation which would address longstanding concerns that would improve accountability and the delivery of Inuktitut language of instruction and inclusive education.

I urge you to withdraw Bill 25 and focus on reforms which Nunavummiut have communicated clearly and consistently.

-Theresa Lightfoot

**From:** Caleb Little [mailto:caleb.t.little@gmail.com]

**Sent:** September 13, 2019 4:58 PM

**To:** Legislative Assembly of Nunavut Submissions <Submissions@Assembly.Nu.Ca>

**Subject:** Bill 25

I agree with NTI that The government of Nunavut must be held accountable for the failure of Bill 25 to address NTI's most important proposals on behalf of Nunavut Inuit in the most meaningful way. On this slow a schedule, a child born today – who will be 20 years old in 2039 – will still not be able to receive Grades 9-12 instruction in Inuktut. This is absolutely unacceptable. This is a cultural genocide and I will not stand idle watching you guys ruin my daughter's chances at keeping our culture and language strong, just as I was prohibited the proper education in Inuktut when I went through school.

Caleb Little

Apex, Nunavut

PNL September 13, 2019

ᐃᑲᐅᐃᑦ, ᓄᓇᓂᓐ Iqaluit Nunavut

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I'm writing to you as you are a chairman for Legislative Review Committee, before you go into review Bill 25.

Ce L'Assemblée 25 veut changer la Loi sur l'éducation et la Loi sur la protection de la langue inuit. Je ne veux pas que ces lois soient changées. C'est pourquoi j'écris. La Loi sur l'éducation doit rester telle quelle. La Loi sur la protection de la langue inuite ne doit pas être modifiée. The bill 25 wants to change the Education Act. The Inuit Language Protection Act should not be changed at all. I am writing because I do not want it changed.

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was to pass, it would be a big mistake. If the Minister of Education is  
concern for this not reaching into Inuktitut teaching. There is some room  
for improvement though the regulations. The Inuit Language Protection  
Act should not be changed.

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ᐅᓴᑦᐅᓴᓴᓴᓴ ᓴᓴᓴᓴᓴᓴ, The Inuit Language Protection Act. I would like  
to be heard seriously.

𐤅 𐤋 June Shappa

$\sigma\Delta^{\epsilon}d^{j}\Delta^{\epsilon}$ ,  $\Delta^{\epsilon}b_{\Delta^{\epsilon}}\Delta^{\epsilon}$   $m_{\Delta^{\epsilon}}$  Apex, Nunavut

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ᐸᐃᐱᐱᐱᐱ Pat Arnakaq

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**ᓄᓇᑦ ᐱᓕᐱᓕᐅᑦᐃᑦ Nunavut Legislative Assembly**

ᐃᓄᑦ ᐅᓇᓂᑦ ..luit, Nunavut

Iqaluit, September 13, 2019

P.O. Box 91  
Iqaluit NU X0A 0H0  
[drLaurathompson101@gmail.com](mailto:drLaurathompson101@gmail.com)

John Main  
Chair of the Standing Committee on Legislation  
Legislative Assembly of Nunavut  
P.O. Box 1200  
Iqaluit NU X0A 0H0  
[submissions@assembly.nu.ca](mailto:submissions@assembly.nu.ca)

**TRANSLATION**

**SUBJECT: Bill 25**

I am writing this letter to express my deep concern about Bill 25 and the proposed changes to the *Education Act* and the *Inuit Language Protection Act*.

As a mother of two Inuit children, I am deeply troubled by components of Bill 25 seeking to significantly modify these important legislative instruments in the educational, linguistic and identity fields.

- How can the Government of Nunavut, created by and for the Inuit, could ever be known for diminishing existing Inuit language rights?
- How can MLA elected to represent Nunavummiut, whose majority language Inuktitut is endangered, remain inactive and witnesses to the dismantling of Nunavummiut fundamental rights?
- How can political and educational leaders continue to pursue Bill 25 which is both unfair and inequitable to Inuit, especially children and youth in the territory?

Not only is the Government of Nunavut proposing fundamental changes to the very existence of Nunavut, it is doing so in the context of the International Year of Aboriginal Languages. In addition, according to the Truth and Reconciliation Commission of Canada, Aboriginal people in Canada, including the Inuit, are victims of cultural genocide.

**Bill 25 amounts to cultural and linguistic genocide pure and simple.**

Mr. Chairman, I urge you to withdraw Bill 25 and to focus on a truly promising future for Nunavummiut and especially for Inuit children.



Laura Thompson, Ph.D. on, Ph.D,

Iqaluit, le 13 septembre 2019

C. P. 91

Iqaluit NU X0A 0H0

[drilaurathompson101@gmail.com](mailto:drilaurathompson101@gmail.com)

John Main

Président du Comité permanent de la législation

Assemblée législative du Nunavut

C. P. 1200

Iqaluit NU X0A 0H0

[submissions@assembly.nu.ca](mailto:submissions@assembly.nu.ca)

### **OBJET : Projet de loi n° 25**

Je vous écris pour exprimer ma vive préoccupation au sujet du projet de loi n° 25 et des changements proposés à la *Loi sur l'éducation* et à la *Loi sur la protection de la langue inuit*.

En tant que mère de deux enfants inuits, je suis profondément troublée par les enjeux du projet de loi n° 25 qui vise à modifier de façon signifiante ces importants instruments législatifs du domaine éducative, linguistique et identitaire.

- Comment le gouvernement du Nunavut, créé par et pour les Inuits, se veut d'être reconnu pour diminuer les droits linguistiques existants des Inuits ?
- Comment les députés, élus pour représenter les Nunavummiuts dont l'inuktitut est la langue majoritaire mais en voie de danger, peuvent demeurer inactifs et témoins du démantèlement des droits fondamentaux des Nunavummiuts ?
- Comment les leaders politiques et pédagogiques peuvent-ils continuer à poursuivre le projet de loi n° 25 qui est à la fois injuste et inéquitable pour les Inuits, en particulier les enfants et les jeunes du territoire ?

Non seulement le gouvernement du Nunavut propose-t-il des changements fondamentaux à l'existence même du Nunavut, il le fait dans le cadre de l'Année internationale des langues autochtones. De plus, d'après Commission de vérité et réconciliation du Canada, les Autochtones du Canada, y compris les Inuits, sont victimes de génocide culturel.

**Le projet de loi n° 25 constitue un génocide culturel et linguistique pur et simple.**

Monsieur le Président, je vous prie de retirer le projet de loi n° 25 et de mettre l'accent sur un avenir véritablement prometteur pour les Nunavummiuts et surtout pour les enfants inuits.



Laura Thompson, Ph.D.

Unnusakkut

I am writing to you with great concern over Bill 37 also known as #killbill37.

Let me tell you about myself and my family.

I have raised 4 beautiful babies. 3 of the 4 are English speaking only. My greatest FAIL.

With my last daughter, who is turning 6 years old I was determined to help keep my language alive. I spoke only Inuktitut. I was her translator for anyone who could not speak Inuktitut. Because of my efforts to only speak Inuktitut to my daughter for the first 5 years was important to me. She could not understand her English speaking father. I was very proud of this battle that I won.

Then devastation set in, because of the possibility of bill 37 being passed. I have been getting my daughter ready to be able to be instructed in her mother tongue. 5 years of preparing my whole family. Because in Nunavut we have a right to learn/speak in our own language, a right to promote the use of the language that my grandparents used with me. I realized that my fight is now with my very own people. That the very ones who fought for Nunavut are the ones fighting against the protection of my language. I accept that Paul and Kathy are not my allies, but I will not accept bill 37 without a fight.

The school has been my contact and my resource for my children. My son who has a cochlear implant has needed accommodations and I have met with teachers, his Student support teacher(SST) to come up with accommodations necessary for my son. The Minister will not know my son, or me. Moving the authority to the Minister will cause delays, will cause confusion, will cause relationships with parents/SST to drift apart. My son will feel the effects of Bill 37. How will the Minister know up to date information with each parent? How is the Minister going to know my sons accommodations are being met?

I am hopeful that bill C37 is withdrawn.

**We need more Inuktitut speaking teachers in the School.**

**We need the authority to stay with the school.**

Regards,

Bernice Clarke



**Sept 10, 2019**

**Bernice Clarke**  
**My PO Box 513**  
**Iqaluit, Nunavut X0A0H0**  
**My Email**

John Main  
Chair, Standing Committee on Legislation  
Legislative Assembly of Nunavut  
PO Box 1200  
Iqaluit, Nunavut X0A OHO  
[submissions@assembly.nu.ca](mailto:submissions@assembly.nu.ca)

Dear Mr. Main and members of the Standing Committee on Legislation,

***Re: Bill 25***

I am writing to share my concerns regarding Bill 25 and the proposed changes to Nunavut's Education Act and the Inuit Language Protection Act.

Contrary to clear and consistent community input from DEA's and members of the public, Bill 25 proposes to make a number of changes to these important pieces of legislation which would:

- Diminish existing Inuit language rights;
- Diminish community participation and authority; and,
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**Bill 25:**

- Does not provide for a clarity of roles, authorities and accountability of education partners;
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- Does not provide direction towards increasing the number of Inuktitut speaking educators;
- Does not direct the development of much needed Inuktitut curriculum and learning resources;
- Does not respect and incorporate many of the key concerns and direction presented during community consultations; and
- Does not uphold and advance existing Inuit language rights.

For these and other reasons, I am calling on you, as elected leaders, to reject Bill 25.

Moving forward, the government must be directed to work meaningfully with community leadership and education partners in the design of a truly made in Nunavut legislation which would address longstanding concerns that would improve accountability and the delivery of Inuktitut language of instruction and inclusive education.

I urge you to withdraw Bill 25 and focus on reforms which Nunavummiut have communicated clearly and consistently.

**Bernice Kootoo Clarke**

September 13, 2019

Jesse Mike  
My PO Box 11607  
Iqaluit, Nunavut X0A1H0  
Jesse.mike@gmail.com

John Main  
Chair, Standing Committee on Legislation  
Legislative Assembly of Nunavut  
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My oldest daughter is now 7, she was fortunate enough to have a spot at the Tumikuluit Inuktitut Daycare and spoke only in Inuktitut with me during those years. Since she has gone to school, she hardly ever speaks Inuktitut and it's a fight each day to help her understand and speak. It breaks my heart because I know what Inuit who do not speak their own language feel, the hurt and shame that it comes with is heartbreaking to see. It will be my own personal fight and struggle to try to keep her fluent and proud of her own language, I will have no help from the place she spends most of her day at (school) if this bill is passed. She is Inuk, I am Inuk. We deserve a government who cares deeply and sincerely about our language rights and will work to ensure we have the opportunities to strengthen our language with our children before it is too late. I want my 11-month-old baby to go through school in her own language and not have to struggle with trying to teach her, her mother tongue.

This summer I organized an Inuktitut day camp in Iqaluit for 6 weeks with funding from Culture and Heritage, and parents immediately saw the impact on the entire family, with the kids thinking and then trying their best to speak in Inuktitut. It is so possible, and we were able to prove it. Solutions and recommendations have been provided to you, please listen to the people you are serving and remember the dream Nunavut was.

For these and other reasons, I am calling on you, as elected leaders, to reject Bill 25.

Moving forward, the government must be directed to work meaningfully with community leadership and education partners in the design of a truly made in Nunavut legislation which would address longstanding concerns that would improve accountability and the delivery of Inuktitut language of instruction and inclusive education.

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Jesse Mike

September 13, 2019

Lizzie Aliqatuqtuq  
PO Box 11463  
Iqaluit, Nunavut X0A-0H0  
kularjuk@hotmail.com

John Main  
Chair, Standing Committee on Legislation  
Legislative Assembly of Nunavut  
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Lizzie Aliqatuqtuq

September 13, 2019

PO Box 91  
Iqaluit, Nunavut X0A 0H0  
[derek.allerton@gmail.com](mailto:derek.allerton@gmail.com)

John Main  
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Legislative Assembly of Nunavut  
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Contrary to clear and consistent community input from DEAs and Nunavummiut, Bill 25 proposes to make a number of changes to these important pieces of legislation which would:

- diminish existing Inuit language rights;
- diminish community participation and authority; and,
- centralize authority with the Minister, without a clear accountability framework.

Unfortunately, Bill 25:

- does not provide for a clarity of roles, authorities and accountability of education partners;
- does not address the need for specialized services of special needs children in a timely and inclusive manner;
- does not provide direction towards increasing the number of Inuktitut-speaking educators;
- does not direct the development of much needed Inuktitut curriculum and learning resources;
- does not respect and incorporate many of the key concerns and direction presented during territory-wide community consultations; and
- **does not uphold and advance existing Inuit language rights.**

For these reasons, I am calling on you, as elected leaders, to reject Bill 25.

Moving forward, the Government of Nunavut must be directed to work meaningfully with community leadership and education partners in the design of a truly made-in-Nunavut legislation which would address longstanding concerns that would improve accountability and the delivery of Inuktitut language of instruction and inclusive education.

I urge you to withdraw Bill 25 and focus on reforms which Nunavummiut have communicated clearly and consistently.



Derek Allerton,  
Father of Inuit children

**September 13, 2019**  
**Nicole Amagoalik**  
**PO Box 1948**  
**Iqaluit, Nunavut X0A0H0**  
**namagoalik@gmail.com**

John Main  
Chair, Standing Committee on Legislation  
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September 13, 2019

Peter Aningmiuq  
My PO Box 705  
Iqaluit, Nunavut X0A0H0  
ptaningmiuq@gmail.com

John Main  
Chair, Standing Committee on Legislation  
Legislative Assembly of Nunavut  
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I urge you to withdraw Bill 25 and focus on reforms which Nunavummiut have communicated clearly and consistently.

Peter Aningmiuq

A handwritten signature in black ink, appearing to be 'Peter Aningmiuq', written over a circular stamp or seal.

September 13, 2019

Jessie Fraser  
PO Box 512  
Iqaluit, Nunavut x0a-0h0  
fraserjess@hotmail.com

John Main  
Chair, Standing Committee on Legislation  
Legislative Assembly of Nunavut  
PO Box 1200  
Iqaluit, Nunavut XOA OHO  
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Jessie Fraser





13 September, 2019

Nastassja Fraser  
PO Box 512  
Iqaluit, Nunavut XOA OHO  
[nastassja.fraser@gmail.com](mailto:nastassja.fraser@gmail.com)

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I urge you to withdraw Bill 25 and focus on reforms which Nunavummiut have communicated clearly and consistently. It is unacceptable that Inuit language rights, revitalization and promotion should still be treated as issues of least importance, especially in terms of youth education, in Inuit Nunangat.

**Date, 2019**

**Richmond Green**  
**PO Box 6073**  
**Iqaluit, Nunavut X0A0H0**  
**rickiegreen@hotmail.com**

John Main  
Chair, Standing Committee on Legislation  
Legislative Assembly of Nunavut  
PO Box 1200  
Iqaluit, Nunavut X0A 0H0  
[submissions@assembly.nu.ca](mailto:submissions@assembly.nu.ca)

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**September 13, 2019**

**Elisapee Ipeelie**  
**PO Box 1292**  
**Iqaluit, Nunavut X0A 0H0**  
**Eipeelie@tunnngavik.com**

John Main  
Chair, Standing Committee on Legislation  
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**Name**



Date, 2019

**Lily Maniapik**  
**PO Box 1824**  
**Iqaluit, Nunavut X0A0H0**  
**[lilymaniapik@gmail.com](mailto:lilymaniapik@gmail.com)**

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**Lily Maniapik**

September 13, 2019

Jennifer & Noah Noah  
PO Box 1493  
Iqaluit, NU X0A0H0  
jennifernoah13@gmail.com/noahnoah\_9@hotmail.com

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**Jennifer & Noah Napatchee Noah**

**September 13, 2019**

**Miranda Qanatsiaq**  
**PO Box 112**  
**Hall Beach, Nunavut X0A 0K0**  
**My Email**

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Chair, Standing Committee on Legislation  
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**Miranda Qanatsiaq**

Date, Sept 11, 2019

Naomi Wilman  
My PO Box 2233  
Iqaluit, Nunavut X0A 0H0  
[Naomiwilman2@gmail.com](mailto:Naomiwilman2@gmail.com)

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Naomi Wilman



Sept. 13, 2019.

Dear Mr. John Main, Chair of the Standing Committee on Legislation, Nunavut Legislative Assembly:

The signatories to this letter asked that it be forwarded to your committee for inclusion in your consideration of Bill 25, An Act to Amend the Education Act and the Inuit Language Protection Act.

The Nunavut signatories, and their colleagues, composed this letter to World Language Commissioners meeting in Toronto in June of this year. Additionally, the 63 language advocates listed below, requested that the letter be forwarded to your Standing Committee in order to convey the depth of concern worldwide about the need for equality of Inuktitut services with English and French services, within Nunavut, particularly in schools in Nunavut.

Thank you for considering the inclusion of this letter in your deliberations on Bill 25.

Wednesday, June 26, 2019

**OPEN LETTER to the World's Language Commissioners**  
(attending the International Association of Language Commissioners'  
Conference in Toronto, June 26-27, 2019)

**RE: Canada must protect Inuktitut, the majority language in Nunavut**

Dear Language Commissioners,

Today you are [meeting in Toronto](#) to "explore the pivotal role of language ombudsmen in the protection of minority-language communities and ...highlight institutions that promote and protect Indigenous languages in light of the UN's International Year of Indigenous Languages." We ask that you spend some time considering the dire situation of the Inuit language there.

In her [appeal to Canadians](#) last month, the representative of Inuit in Nunavut, President Aluki Kotierk of Nunavut Tunngavik Inc. (NTI) said:

*The modernization of the Official Languages Act must capture the current, modern jurisdictional map of Canada and recognize that Inuktitut is the mother tongue, and the language most used, by the public majority in Nunavut...the modernization of the Official Languages Act is an opportunity to recognize that the founding languages of this nation includes Inuktitut....  
Inuit have been clear that essential services must be available, in Inuktitut, for Inuit in the areas of health, education and justice. It is a matter of life and death....Inuit Canadians should not be dying because*

*they are unable to access and receive essential services on an equitable basis with other Canadians.*

You may be shocked to learn of the race-based foundations of Canada's *Official Languages Act (OLA)*.

The [OLA was recommended](#) by the 1968 *Royal Commission on Bilingualism and Biculturalism* to help "develop the Canadian Confederation on the basis of an equal partnership between the two founding races" of English and French ([OLC website](#)). The *Royal Commission* noted: "we...will not examine the question of ...the Eskimos... Since it is obvious that [they]... do not form part of the 'founding races'" ([Royal Commission on Bilingualism and Biculturalism](#), 1967 pg xxvi).

So far, Canada has been unwilling to revise its OLA to address the jurisdiction of Nunavut, founded by Inuit, and not founded by either the English or French 'races'.

Inuit pay taxes. Inuit are the majority public in Nunavut. The homogeneous majority language of Nunavut is Inuktitut—not English nor French— yet Inuktitut is nowhere mentioned or protected in Canada's OLA, 20 years after the establishment of Nunavut. From its inception, Nunavut has been classified by Canada as "majority English, minority French, and 'other'", ([Language Highlight Tables](#), 2001 Census, Statcan). Canada has 'disappeared' the Inuktitut majority population.

Nunavut's former Languages Commissioner, Sandra Inuitiq, put it this way when she [addressed](#) the *UN International Expert Group on Indigenous Languages* in New York in 2016: "The effect is that it creates a hierarchy of languages where English is first, French is second and the Inuit language is last. The symbolic effect is not lost on Nunavut."

Canada classifies the majority public of Nunavut as Official Language English. This is colonial, unjust and wrong.

During her 2004 visit to Nunavut, Dyane Adam, the Official Languages Commissioner of Canada, "took particular interest in Nunavut's case, as the territory remains the only jurisdiction in Canada where both official languages are generally considered minority languages" ([Nunatsiaq News, Sept 17, 2004](#)). Canada's erroneous classification of English as the majority language of Nunavut suffocates Inuktitut and is driving it out of use at a rate of [12% per decade](#).

[Canada's Official Languages Act](#) gives only two options for Nunavut: "provide opportunities for members of English or French linguistic minority communities to be educated in their own language." Not both.

Canada contributes [\\$1.4 million annually](#) to a French language school in Iqaluit—for 90 students at one school; that's equivalent to \$15,555 each. How much money does Canada transfer to Nunavut's 42 other schools for Inuktitut? Zero.

Two weeks ago, in a shocking move, Nunavut's territorial public government announced legislation to [roll back Inuktitut education rights](#) until 2039. This would never have been done if Canada protected Inuktitut. It would never be done to French education in Nunavut.

While English schooling erodes Inuktitut across Nunavut, Canada's colonial and outdated OLA also means no federal requirement for government services in Inuktitut. This creates situations that are unhealthy, [unsafe](#), and [life threatening](#). Inuktitut-speakers have [died in hospital](#). Pharmaceuticals are [not translated](#) reliably into Inuktitut. Inuktitut-speakers cannot get services in their language from the Coast Guard, the RCMP, or the CRA. Nunavut is the only jurisdiction in Canada where the majority public is policed by a force that [doesn't speak their language](#).

In 1993, Canada modified its Charter of Rights ([Section 16.1](#)) to reflect the unique bilingual character of New Brunswick. Since Nunavut is a territory and not a province, Canada can similarly enact protection for Inuktitut, English and French in Nunavut with a simple majority act of Parliament.

As Nunavut Tunngavik President Kotierk recently [said](#):

*Canada was a world leader 50 years ago, in affirming more than one official language. Today, the country can remain a world leader by affirming the official language status of an Indigenous language in a jurisdiction where it is the public majority language. It is entirely open to the federal government to give statutory official status protection to Inuktitut within Nunavut, without impairing the Constitutional rights pertaining to French and English. Canada, as a country, needs to make this commitment....*

We ask you, the Language Commissioners of the World, to consider what is happening in Nunavut. Nunavut is 20% of Canada's landmass, and 60% of its coastline. This year marks twenty years since Nunavut's territory was brought into confederation, but its language is still left outside.

We ask you, the Language Commissioners of the World to demand that Canada modernize its Official Languages Act to protect and support Inuktitut, the voice of Nunavut.

Signed:

Alma Flor Ada, Ph.D. Professor Emerita University of San Francisco. San Francisco, California. USA.

Tiina Sanila-Aikio, president of the Saami Parliament in Finland, Skolt Saami language and culture teacher, artist

Prof. Dr. Shanley E. M. Allen Dean, Faculty of Social Sciences Director, Psycholinguistics and Language Development Group Center for Cognitive Science, University of Kaiserslautern, Germany

Jay Arnakak Inuit Language specialist and human rights advocate

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M. Lynn Aylward Ph.D. Professor/ Ph.D. Program Coordinator, School of Education Acadia University

May Baker, Director, Aqqiumavvik Society, Arviat

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Geraldine Balzer, Associate Professor, Curriculum Studies, University of Saskatchewan

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Paul Berger Associate Professor, Chair, Graduate Studies and Research in Education, Faculty of Education, Lakehead University

Constance M. Beutel, EdD, Benicia, California

Olenka Bilash, Professor, University of Alberta

Kristin Brown, Ed.D. Director, Rights and Opportunities Foundation. California, USA.

Karen Cadiero-Kaplan, Ph.D. Professor Emeritus San Diego State University, San Diego, CA USA.

Anaida Colon-Muniz, Professor, College of Educational Studies, Chapman University

Lindsey Collen, novelist; Secretary, Ledikasyon pu Travayer, Mauritius (awarded UNESCO World Literacy Prize [2003], and Linguapax Award [2013])

Richard Compton Associate Professor, Canada Research Chair in Transmission and Knowledge of the Inuit Language, Département de linguistique, Université du Québec à Montréal

Antonella Cortese, PhD, President of International and Heritage Languages Association, Edmonton, Alberta Canada

Jim Cummins Professor Emeritus, University of Toronto

Willem de Reuse, Ph. D. Linguist, The Language Conservancy, Bloomington, Indiana, USA Adjunct professor, University of North Texas

Louis-Jacques Dorais Professor Emeritus in Anthropology Université Laval

Robert Dunbar, Professor, Celtic and Scottish Studies, University of Edinburgh

Meaghan Farquharson, Registered Psychologist, Calgary

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Eve Haque, York University

Leena Huss Professor, Hugo Valentin Centre, Uppsala University, Sweden

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Dr Ruth Koleszar-Green, Assistant Professor, York University, Chair of Indigenous Council and Special Advisor to the President on Indigenous Initiatives

Zacharias Kunuk O.C.N.U. Independent Nunavut film maker

Frédéric Laugrand Professeur titulaire, Université Laval

Cathy Lee, marruliaminikuluk, PhD Candidate, OISE/University of Toronto

Ole Henrik Magga, First chair of UN Permanent Forum on Indigenous Issues

Anna Morottaja, artist, teacher, fisherwoman, Inari, Sïmiland

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Alexander (Sandy) McAuley Associate Professor, Faculty of Education, University of PEI

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Robert Phillipson Emeritus Professor, Copenhagen Business School, Denmark

Lettie Ramirez, Ph.D. Professor and Assistant to VP and Provost, CSU, East Bay. Hayward, CA, USA.

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## Nunavut education at a crossroads between Denial and Acceptance of Responsibility for Inuit Language-in-Education Rights: Reflections on the Introduction of Bill 25

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June 13, 2019

This year, 2019, is the United Nations Year of Indigenous Languages. It's a very special year for the world's many Indigenous languages, there is a lot of activity – conferences, books published, songs and concerts and films made in Indigenous languages too. Many governments are passing laws and investing needed funds to strengthen, maintain, revitalize, promote and teach Indigenous languages.

Indigenous peoples are demanding that their language rights universally declared in the 2007 United Nations Declaration – be recognized, affirmed, and granted. In particular, they are demanding that Article 14 – the right of Indigenous peoples to receive education through school systems which function in their own language.

In Canada, the federal government is – finally – taking a modest first step toward supporting Indigenous languages by creating legislation, which states that the Indigenous rights contained in the Constitution include language rights.

It seems that in much of the world, Indigenous languages are being recognized as being valuable, and governments are listening to Indigenous demands that their rights to have their children educated in their mother tongue be respected.

### **But not in Nunavut.**

For ten years, the Nunavut Government has ignored the importance of bilingualism for Nunavut.

It has been indifferent to the Inuit demand for a functional and fully bilingual education system for achieving the Territory's goals for bilingualism and Inuit public service employment, for Inuit social and physical wellbeing, Inuit identity and Inuit civilization.

It has turned its back on the main reason for the Inuit leadership to create Nunavut Territory in the first place: ensuring that Inuit Language remain strong and that the public government reflect Inuit ways of understanding and being.

It has have consistently denied Inuit language rights and are still actively denying them.

It has been complicit in cultural and linguistic genocide, as has been argued in a recent expert study on Nunavut's education system commissioned by NTI, the body responsible for holding the government to account on Inuit rights and treaty rights under the Nunavut Agreement.

Three times in the last ten years, the Government of Nunavut has had an opportunity to act responsibly to create a bilingual education system and implement Inuit language rights, and three times, it has denied Inuit language rights and bilingual education by postponing implementation of bilingual education.



Underlying each denial of rights is the failure of the Government of Nunavut. Both the Department of Education and Nunavut Arctic College have failed to take action on a critical component: to provide teachers who can serve bilingual education through a reinvigorated Nunavut Teachers Education Program (NTEP) tasked to take this mission seriously.

Instead of developing an NTEP capable of accrediting Inuit to become teachers, along with other Inuit educator training initiatives, the Department has chosen to staff Nunavut schools from a transient high-turnover contingent of English-speaking teachers from southern Canada to deliver an Alberta-based curriculum. The result is that 75% of the teachers in Nunavut schools are from outside the Territory: most certainly not the intention of the founders of Nunavut.

### **The First Denial of Inuit Language Rights (2008)**

In 2008, the Assembly passed three pieces of legislation – the Education Act, the Inuit Language Protection Act, and the Official Languages Act. Together, they announced the Government's commitment to create a bilingual education system in which the Inuit right that Inuktitut be taught in every grade K-from Kindergarten through Grade 12 by July 2019 was guaranteed.

This was an important goal, since – following the Berger Report of 2006 – it was recognized that the task of the education system was to produce fluently bilingual and biliterate graduates in Inuktitut and English (or French). These graduates are badly needed to staff the Territory's public service in order to meet the proportional employee requirements of Article 23 of the Nunavut Agreement. More specifically, to meet the Article 23 requirements in the education system, a cohort of bilingual Inuit teachers and other educators are needed.

The Department was not unaware of the need to train bilingual Inuit teachers fluent in Inuktitut. In 2005, the Department and Nunavut Arctic College commissioned the 2006-16 Qalattuq Strategy, which was, on paper at least, a solid plan to invest in the development of Inuit teachers, language specialists and other educators. In 2006, there were interdepartmental discussions to roll out the implementation of K-12 bilingual education on an annual basis, starting with a commitment to K-3 in 2009, Grade 4 in 2010, and ending up with the system in place by September 2018.

It is wrong to say, as Jim Bell, the editor of the Nunatsiaq News, has recently claimed, that the 2008 Education Act, with its July 2019 goal for to extend the Right of Education in Inuktitut, was 'dead on arrival'.

It wasn't dead, it was politically killed.

The method of killing was, in part, the removal from the Bill of the annual implementation schedule, since this meant that there was no mandated public annual reporting on progress through the grades. The other part was to forget the memory of the Qalattuq Strategy and to do nothing to task NTEP to set up a plan to train Inuit teachers.

It is hard to know exactly how and why this happened, but I suspect that the Minister of the day found it more convenient to continue to import monolingual English-speaking teachers, and not to tackle the difficult decolonizing task of training Inuit teachers. However, the decision not to train Inuit teachers set the Department on a path toward non-compliance with its own legislation, which continues to this day.

The many problems of the Territory's dysfunctional, colonial, English-dominant, education system were certainly noticed in the Annual Reports of Nunavut Tunngavik Incorporated, the Inuit birthright and watch-dog organization, which the Government tended to ignore; but they couldn't ignore the 2014 report of the Auditor General of Canada, which took a critical look at Nunavut's education system, and revealed the extent of the Department's neglect of bilingualism, Inuit language and the training of Inuit teachers and called the Government to account.

The AG reported that, contrary to even the limited schedule of the 2008 Education Act, there had been no increase in Inuktitut education through the grades in the previous five years, and that the Department was so indifferent to their responsibilities to promote Inuit language rights that they hadn't even bothered to collect data on schools and grades offering classes in Inuktitut.

At this point, in their response to the Attorney General's criticism, the Department's true colours emerged.

### **The Second Denial of Inuit Language Rights (2017)**

Rather than accept responsibility for the Department's failure to uphold the mandate of the 2008 Education Act and the ILPA, by – better late than never – developing a plan to meet the July 2019 bilingual education goal, an 'avoidance of responsibility' approach kicked in.

Instead of changing their own behaviour, the Government decided to place the blame on the 2008 legislation – 'it was too ambitious' – 'it was dead on arrival' - and introduced Bill 37 in 2017 to amend the Education Act, postponing for ten years the roll-out of bilingual education in grades 4 to 9 from 2019 until 2029. They offered no action plan or schedule to meet this goal, and there was, no mention of a commitment to introduce Inuktitut in grades 10 to 12, despite the fact that any future Inuit NTEP candidates would need to be high school graduates to qualify.

There was still no commitment to train Inuit educators to – eventually – be able to use Inuktitut as a language of instruction throughout the grades, including Grades 10-12. This neglect reflects, in my view, a deeply-held colonial prejudice alive and well throughout the Department that Inuktitut is incapable of expressing ideas at the level of high school complexity, and therefore cannot be justified at the higher grades. This is a common prejudice held by speakers of colonial languages such as English, but it has no place in today's Nunavut.

The lack of commitment to extend Inuktitut teaching to Grades 10 to 12, coupled with the continued existence of an NTEP program offered entirely in English, is consistent with this analysis. The effect of these inadequacies in the Departmental plan is -that Inuit high school students desiring to become teachers continue to receive exposure exclusively to English, not Inuktitut, instruction in high school, and therefore are not helped to achieve the level of Inuktitut proficiency needed to comfortably use Inuktitut as a professional language of instruction at the high school level. It also places a limitation on their ability to use Inuktitut for specific professional purposes as public servants, and elsewhere where bilingual and biliterate skills are required for successful employment.

The Department's deficit-view of Inuktitut is a clear holdover of colonial attitudes and should have absolutely no place in a Department of Education in 2019 charged with a responsibility to implement bilingual education.

As we all know, the Government's decision to introduce Bill 37 was highly controversial. It was met with an outcry of protest, from all those who support bilingual education, from Inuit parents and students, from the Coalition of DEAs, from expert educators from across Canada, many with Nunavut experience and expertise in bilingual education, and finally, from Nunavut's own legislators who, in an unprecedented act of opposition to government policy, voted to allow the Bill to die on the order paper at the end of the Tuptana administration's mandate in 2017.

The defeat of Bill 37 – and I hope, the defeat of its avatar Bill 25 – should not be seen as a 'negative' vote; it served to raise awareness of the importance of Inuit language among a sector of the Nunavut public and it contained a message to the Government to take urgent action to stop delaying the implementation of Inuktitut as a language of instruction throughout the education system and to put in place a robust plan to recruit more Inuit into teaching and support them so that they can remain in teaching in Inuktitut and English (or French) at all grade levels K-12 and all subject areas.

The new administration (headed by Premier Quassa 2017-18 and Premier Savikataaq 2018-19) had an opportunity to learn valuable lessons from the defeat of Bill 37, but chose to follow the well-worn path of denial of responsibility, and Minister Joanase has introduced Bill 25, which is very similar to Bill 37. But where Bill 25 is even worse than Bill 37 ~~is~~ in its Inuktitut Language of Instruction provisions, which delay implementation further, and effectively reduce Inuktitut LOI to an Inuktitut Language Arts program. For the introduction of Inuktitut Language Arts courses in Grades 4-12, the 2019 timetable would now extend from 2026-2039. And this is not a timetable for Grades 4-12 Inuktitut LOI. It is a timetable only for the introduction of Inuktitut Language Arts courses in Grades 4-12. Inuktitut LOI timelines *for all other courses* are not identified – left to set by regulation, possibly, at some undetermined time in the future. Outrageously, in my view, this delay and diminution of instruction ~~would~~ give the government fully twenty years to avoid responsibility, by which time many fluent speakers of the language will have passed on. It is killing a language by neglect: one of the many ways to carry out a policy of linguicide.

### **The Third (Denial of Inuit Language Rights (2019))**

Like its predecessors, the third denial comes with no plan to prepare Inuit teachers even to reach the distant goal of 2039. And there is no schedule committing the government to move bilingual education rights upward through the grades.

Like its predecessors, in the third denial of rights, there is no recognition that bilingualism is fundamental to the success of the Territory and that a strong, vibrant, bilingual education system from kindergarten to grade 12 is critical for the flourishing of Inuit culture and identity, and the gateway to Inuit employment, as the founders of Nunavut intended.

Also, following the pattern of the previous denials, there is no commitment to meeting the goal of 85% Inuit employment in the public service, including in the education system, and no staffing plan other than maintaining the status quo of a continuing infusion of English-only teachers from outside the Territory.

Currently, this English-only teaching force constitutes 75% of the Territory's teachers, and apparently, there is no plan to change course.

Despite recommendations on ways to remove barriers and improve recruitment of Inuit teachers, such as *A Hunger to Teach: Inuit Teacher Recruitment in Nunavut* (P. Berger, K. Inootik, R. Jones and J. KadjukL

NTI, 2017), based on interviews of high school students and recent graduates, the Department remains steadfastly on course to replace the remaining 25% Inuit teachers with English-speaking teachers from Southern Canada, and if current Inuit teacher retirement trends continue alongside zero Inuit recruitment, the system will be completely staffed by English-speaking teachers by 2026.

And lack of funding is not the problem. The Government of Nunavut has available to it much of a -\$50M Implementation Fund from the 2015 Settlement Agreement with the federal government that may -be put toward Inuit teacher recruitment and training. And in the 2017/18 fiscal year, the most recent year that figures are publicly available, the Department underspent its budget by some \$39M or 12.5%, funds which could have been directed toward an Inuit teacher training plan.

But the Department would rather not spend these available education dollars at all than spend them on recruiting and training Inuit teachers.

And lack of expert advice, even advice commissioned by the Department, is not the problem either.

### **The 2017 Directions Report on NTEP**

In an excellent review of the NTEP program, and submitted to them in October, 2017, by the Directions Evidence and Policy Research Group (the Directions Report), the Department and College were advised to:

1. “make the primacy of bilingualism for the Territory their foundational objective”, and to
2. base their NTEP strategy on ‘the criticality of a strong, vibrant, bilingual education system from K to 12 as a necessary condition for bilingualism and for the preservation of Inuit culture and identity’.

These are severe criticisms of the Department’s lack of attention to Inuit priorities, but the most telling criticism is the Direction Report’s finding that ‘the system is in a state of ‘dynamic deadlock’.

‘Dynamic deadlock’ connects four aspects of the education system in Nunavut:

1. Limited instruction in Inuktitut as language of instruction in elementary grades feeds into
2. Lack of instruction in Inuktitut in the middle and high school grades, which feeds into
3. Lack of opportunity for high school graduates to acquire strong bilingual and biliterate education at the secondary level suitable to prepare them for post-secondary bilingual teacher training, which feeds into
4. Major roadblocks to graduates who wish to enter NTEP – even an English-only NTEP which has not been tasked to prepare bilingual Inuit teachers

By denying Inuit access to their language as a language of instruction beyond Grade 3 (and we know that fewer than half the schools in the Territory have Inuktitut even up to Grade 3), the Department has effectively removed the school system’s ability to prepare students for post-secondary studies in Inuktitut – such as NTEP, which should be preparing fluent speakers to be teaching in Inuktitut throughout the education system and in all subjects.

Recently – actually on the day that Bill 25, postponing bilingual education for another 20 years, was introduced in the Legislature - the Auditor General of Canada, in a new Report, revealed that there are other barriers to Inuit wishing to enter the NTEP Program. The Report revealed that Nunavut

Arctic College in 2018 decided that it would stop offering the College Foundation program, which was set up specifically for learners who wanted to enter NTEP. It had been offered in Iqaluit and seven other communities over the last five years, but now it has been closed, except in Iqaluit. The College told the AG that it is closing the Program outside of Iqaluit for lack of third-party funding.

Also, another barrier results from ~~the~~ Nunavut Arctic College reducing its offering of Adult Basic Education – Core, in many communities, a prerequisite for some learners, especially adult learners, to qualify for the College Foundation program. The result is that the College, by limiting access to upgrading needed to enter NTEP, is not able to expand its intake of NTEP candidates in many communities.

There are barriers to Inuit wanting to enter NTEP, whether graduates of the education system or adult learners needing an upgrade prior to entering NTEP.

The Directions Report proposes many practical solutions, both in the short term and in the medium- and longer-terms, to address issues of recruitment. It proposes ladderized certification and credentialing opportunities (such as those offered by the University of Victoria) to get fluent speakers into classrooms, possibly in tandem with teachers needing to be able to use Inuktitut in the classroom. It proposes a language fluency diploma that could be a credential allowing speakers to work in schools, with ladders to an education degree program.

University of Victoria's Bachelor of Education in Indigenous Language Revitalization (BEDILR) begins with a Certificate in Aboriginal Language Revitalization, followed by a Diploma in Indigenous Language Revitalization, in second year, allowing them to undertake language revitalization and maintenance projects in their communities, and in third year, the program results in a Developmental Standard Teaching Certificate, allowing students to teach language in the schools, with the fourth year culminating in a Bachelor of Education entitling graduates to teach in their language across the K-12 curriculum or in English. This is a best practice model of ladderized credentialing, and it could be adapted to Nunavut.

But, given the English-centred culture of the Department, is it realistic that it could transform itself, follow the Directions Report recommendations, and develop such a program?

It would require a major transformation, indeed. The Directions Report in effect argues that, without a clear conception of 'a Nunavut competent citizen' the Nunavut education system will continue to be deadlocked – the lowest graduation rate and highest truancy rate in Canada – and will continue to fail in the mission it is charged with under the Nunavut Agreement, to ensure the development of Nunavut competent citizens, based on an education system and Department of Education manned by a representative level of Inuit educators, committed to providing its graduates strong bilingual and biliterate fluency ~~was~~ in Inuktitut and English (or French) – as was mandated in the 2008 Education Act.

The clear implication is that Nunavut education, as it is presently conceived by the Department, lacks this necessary conception of the 'Nunavut competent citizen'. The result is a system-wide dynamic blockage, a directionless NTEP, a lack of commitment or understanding of 'bilingualism', a denial of Inuit rights to education in their own language, and an urgent need for transformation.

No wonder that the Department has chosen not to release the Directions Report. It is a withering critique of the entire culture of the Department.

### **New Possibilities: the NAC-Memorial Partnership**

In recent days, it has been confirmed that Nunavut Arctic College has signed an agreement with Memorial University to offer a joint credential degree programs, including NTEP. Memorial has recent experience offering an Inuit-centric B. Ed. for Nunatsiavut teachers-to-be, from a decolonizing perspective. It is to be hoped that the Directions report was shared with Memorial as they made their decision to partner with Nunavut Arctic College, that Memorial is coming into the partnership with its eyes open, and that finally, Memorial's professed decolonizing ideology and Indigenous education expertise will be made available to NTEP, so that the much-needed transformation of that institution's culture can finally begin.

However, the two Denials – Quassa's in 2017 and Joanasié's in 2019 – send a very clear message that the Department, the Cabinet and possibly the Legislative Assembly as a whole (although we hope for rejection of Bill 25 by a courageous Assembly), are fearful of being held accountable to the 2008 bilingual education goals, and are committed to postponing them for as long as possible – indeed, the only reason for extending the date from 2019 to 2039 is that they accept without a fight that one more generation of fluent Inuktitut speakers die, while the current generation of young Inuit encounter as close as possible an English-only school system.

Frankly, if this is not an example of intentional linguicide, I don't know what is. If there is a transformation on the horizon, it will have to be significant, and it will have to be pursued urgently.

### **Conclusion: NU Education at a crossroads**

The tension between the possibilities of the new NAC-Memorial University partnership on the one hand, and the linguicidal culture of the Department on the other suggest that there may be hope that the 'dynamic deadlock' could come to an end.

It is, of course, sad that 2019, the UN Year of Indigenous Languages, is not the year in which the first class of bilingual, biliterate students proudly graduated from the Nunavut education system, as the framers of the 2008 Bill intended.

But perhaps 2019 doesn't have to be a write-off, despite the grotesque irresponsibility of Bill 25.

2019 could be the year in which the Department of Education and Nunavut Arctic College, with the advice and assistance of a major southern university committed to decolonizing education, and incorporating ideas from the Directions Report, begins a process of cultural and professional reflection and transformation, and commit to breaking the systemic deadlock by creating a decolonized Inuit-first bilingual education system and NTEP.

Defeating Bill 25, from this perspective, is a necessity, but ultimately a minor one. The important question isn't about passing or defeating legislation; it's about putting an end once and for all to the Government's shameful history of denial of Inuit language rights, and embracing a process of change – the change toward the goal which the majority of Inuit have always believed was the real reason for the creation of Nunavut: the flourishing of the Inuktitut language and Inuit culture.

If such a transformation were to begin in 2019, it would be the most worthy way imaginable to truly celebrate the Year of Indigenous Languages, not only in Nunavut, but in all of Canada.